

# LAWS OF THE TERRITORY OF HAWAII

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## ACT 1.

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF PAYING THE EXPENSES OF THE SPECIAL SESSION OF THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1902, AND OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII, OF THE YEAR 1903, FROM THE PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Twenty-five Thousand Dollars (\$25,000.00) from the Public Treasury for the purpose of paying the expenses of the Special Session of the Senate of the Legislature of the Territory of Hawaii, of the year 1902, and of defraying the expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii, of the year 1903.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of February, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 2.**

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE SESSION OF THE HOUSE OF REPRESENTATIVES, TERRITORY OF HAWAII OF THE YEAR 1903 FROM THE PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Forty Thousand Dollars (\$40,000.00) from the Public Treasury for the purpose of defraying the expenses of the Session of the House of Representatives of the Territory of Hawaii of the year 1903.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of February, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 3.**

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING EXPENSES IN CONNECTION WITH THE FIRE CLAIMS AND THEIR PAYMENT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated the sum of Thirty Thousand Dollars (\$30,000.00), or as much thereof as may be necessary, from the Public Treasury, to be paid out of the general revenue of the Territory for the period commencing with the date of the approval of this Act and ending with the 30th day of June, 1905, for the purpose of defraying the ex-

penses of the Fire Claims Commissioners, and the preparation, issuance and sale of Bonds for the partial payment of Fire Claims, and any other proper expenses relating to the Fire Claims.

SECTION 2. The Auditor is hereby authorized to issue warrants under this appropriation on vouchers properly certified, and approved by the Secretary of the Territory, for the purposes provided by this Act.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 11th day of March, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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#### ACT 4.

AN ACT TO ADOPT A FLAG FOR THE TERRITORY OF HAWAII.

*Be it enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the former Emblem of Hawaii, known as the Hawaiian Flag, be hereby adopted to be the Flag of the Territory of Hawaii, and its public use, second to the Stars and Stripes of the United States, be authorized to represent the Territory of Hawaii on land and sea.

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 13th day of March, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 5.**

AN ACT RELATING TO THE GIVING OF NOTICE BY PUBLICATION,  
AMENDING AND REPEALING CERTAIN FORMER LAWS UPON  
THAT SUBJECT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 1104, 1123, 1231 and 1252 of the Civil Code (Civil Laws, Secs. 1221, 1240, 1504 and 1836), Section 4 of Chapter XLI of the Laws of 1870 (Civil Laws, Sec. 1933) and all other laws, if any, relating to the giving of notice by publication, in which the words "in the Government Gazette" or the words "in the Government Gazette and Ke Au Okoa," or their equivalent occur, are hereby amended by striking out such words and inserting in lieu thereof the words "in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings.

SECTION 2. Chapter XXXVI of the Laws of 1892 (Civil Laws, Sec. 1153) is hereby repealed.

SECTION 3. This Act shall take effect on the day of its approval.

Approved this 30th day of March, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 6.**

AN ACT TO REPEAL CERTAIN LAWS RELATING TO THE DESERTION  
OF MARRIED PERSONS FROM ONE ANOTHER.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter LVI of the Penal Code, Chapter XXXIV of the Laws of 1876, Chapter XIV of the Laws of 1878, Chapter LXIX of the Laws of 1888, and Chapter

XXXVI of the Laws of 1890 (Penal Laws, Chapter 56), all relating to the desertion of married persons from one another are hereby repealed.

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 30th day of March, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 7.**

AN ACT TO AMEND SECTIONS 5 AND 6 OF CHAPTER XLI OF THE LAWS OF 1870 (PENAL LAWS, SECTIONS 1398, 1399) RELATING TO INDUSTRIAL AND REFORMATORY SCHOOLS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 5 of Chapter 41 of the laws of 1870 (Penal Laws, Section 1398), relating to industrial and reformatory schools, is hereby amended so as to read as follows:

“SECTION 5. The District Magistrates, Circuit Courts and Circuit Judges are hereby authorized to commit all offenders duly convicted before them, under fifteen years of age, to said industrial or reformatory schools, in all cases where they shall deem such sentence to be more suitable than the punishment otherwise authorized by law.”

SECTION 2. Section 6 of said Chapter (Penal Laws, Section 1399) is hereby amended so as to read as follows:

“SECTION 6. The said District Magistrates, Circuit Courts and Circuit Judges, on the representation of any member of the Board of Education, its agents, the Attorney-General or his authorized deputy, the High Sheriff or his deputy, or the Sheriff or Deputy Sheriff of any Island, shall have power to

hear and determine any case, and to sentence for any term within their minority to some industrial and reformatory school, any child under fifteen years of age, who lives an idle or dissolute life, whose parents are dead, or, if living, from drunkenness of other vices or causes, shall neglect to provide suitable employment for, or exercise salutary control over such child."

SECTION 3. This Act shall take effect on the day of its approval.

Approved this 30th day of March, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 8.**

AN ACT RELATING TO THE JURISDICTION OF DISTRICT MAGISTRATES AND CIRCUIT JUDGES, REPEALING CERTAIN LAWS AND AMENDING OTHERS BY STRIKING OUT PORTIONS THEREOF AS BEING UNNECESSARY OR OF DOUBTFUL VALIDITY OR OF DOUBTFUL CONSISTENCY WITH OTHER LAWS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following laws and parts of laws are hereby repealed:

Section 27 of Chapter LXV of the Laws of 1886 (Penal Laws, Sec. 362);

Section 11 of Act 21 of the Laws of the Provisional Government, (Penal Laws, Sec. 398);

Section 14 of Chapter CVIII of the Laws of 1892 (Penal Laws, Sec. 421);

An Act of July 28, 1860, (Penal Laws, Secs. 587, 588);

Section 9 of Chapter LII of the Penal Code (Penal Laws, Sec. 594);

Section 5 of Act 64 of the Laws of 1896 (Penal Laws, Sec. 694);

Section 3 of Chapter LXII of the Laws of 1890 (Penal Laws, Sec. 788);

Section 1 of Chapter IX of the Laws of 1870 (Penal Laws, Sec. 881);

Section 24 of Act 17 of the Laws of the Provisional Government (Penal Laws, Sec. 1044);

Section 8 of Chapter XVI of the Laws of 1886 (Penal Laws, Sec. 1085);

Chapter 5 of the Laws of 1886 (Penal Laws, Sec. 1098);

The last clause of Section 13 and last two clauses of Section 14 of Chapter XLI of the Laws of 1870 (Penal Laws, Secs. 1406, 1407);

Section 27 of Chapter XLVII of the Laws of 1892 (Penal Laws, Sec. 1437);

Section 396 of the Civil Code (Penal Laws, Sec. 1461);

Section 3 of Chapter 11 of the Laws of 1872 (Penal Laws, Sec. 1465);

The first paragraph of Section 6 of Act 8 of the Laws of 1894-1895 (Penal Laws, Sec. 1495);

Section 5 of Act 41 of the Laws of the Provisional Government (Penal Laws, Sec. 1531);

Section 11 of Act 33 of the Laws of the Provisional Government (Penal Laws, Sec. 1544);

The last clause of Section 7 of Chapter XXVIII of the Laws of 1880 (Penal Laws, Sec. 1668);

The last clause of Section 8 of Chapter XXXIV of the Laws of 1882 (Penal Laws, Sec. 1680);

Section 26 of Chapter XXIX of the Laws of 1878 (Civil Laws, Sec. 555);

The last clause of Section 2 of Chapter LXXIV of the Laws of 1892 (Civil Laws, Sec. 898);

The last sentence of Section 10 of Chapter XLIII of the Laws of 1890 (Civil Laws, Sec. 2040);

And Section 11 of Act 34 of the Laws of 1898.

SECTION 2. The following laws are hereby amended by striking therefrom wherever found the following phrases: "before any district magistrate," "before any district court," "in any district court," "in the discretion of the district magistrate," "at the discretion of the district magistrate," "before any district magistrate of the Island of Oahu," "before the district magistrate of the district of Honolulu," "before the district magistrate of Honolulu," "to the district magistrate," "to the nearest district magistrate," and similar or equivalent phrases, each of the words "a" and "the" being deemed for the purposes of this Act equivalent to the word "any" and the word "police" and "justice" to the words "district" and "magistrate" respectively in such similar phrases.

Section 3 of Chapter XLIII of the Laws of 1880 (Penal Laws, Sec. 223);

Section 2 of Chapter I of the Laws of 1892 (Penal Laws, Sec. 224, last paragraph);

Section 2 of Chapter XXVIII of the Laws of 1892 (Penal Laws, Sec. 225, last paragraph);

Sections 1, 2 and 3 of Chapter LXIX of the Laws of 1890 (Penal Laws, Secs. 293, 294, 295);

Section 2 of Chapter IV of the Laws of 1872 (Penal Laws, ec. 323);



Section 1 of Chapter XLVII of the Laws of 1884 (Penal Laws, Sec. 367);

Chapter XXXVII of the Laws of 1882 (Penal Laws, Sec. 369);

Section 1 of Chapter XXIII of the Laws of 1870 (Penal Laws, Sec. 404);

Section 42 of Chapter XLIV of the Laws of 1882 (Penal Laws, Sec. 463);

Section 6 of Chapter LXVII of the Laws of 1888 (Penal Laws, Sec. 471);

Section 5 of Chapter LXXII of the Laws of 1886 (Penal Laws, Sec. 476);

Section 14 of Chapter LV of the Penal Code (Penal Laws, Sec. 810);

Sections 4 and 5 of Chapter XXVIII of the Laws of 1886 (Penal Laws, Sec. 825-6);

Section 3 of Chapter XXXV of the Laws of 1887 (Penal Laws, Sec. 836);

Sections 1 and 2 of Chapter XXVIII of the Laws of 1890 (Penal Laws, Secs. 845, 846);

Section 2 of Chapter LVII of the Penal Code (Penal Laws, Sec. 857);

Section 4 of Chapter XXV of the Laws of 1876 (Penal Laws, Sec. 867);

Section 20 of Act 50 of the Laws of 1896 (Penal Laws, Sec. 971);

Section 5 A of Chapter LXII of the Penal Code as enacted by Chapter XXXIII of the Laws of 1870 (Penal Laws, Sec. 992);

Section 1 of LXVI of the Laws of 1892 (Penal Laws, Sec. 996);

Section 3 of Chapter LXXIV of the Laws of 1888 (Penal Laws, Sec. 998);

Section 2 of Chapter LXXIX of the Laws of 1890 (Penal Laws, Sec. 1002);

Section 2 of Act 30 of the Laws of the Provisional Government (Penal Laws, Sec. 1004);

Section 2 of Chapter XLVIII of the Laws of 1888 (Penal Laws, Sec. 1005);

Section 4 of Chapter XVIII of the Laws of 1888 (Penal Laws, Sec. 1338);

Section 2 of Act 55 of the Laws of 1896 (Penal Laws, Sec. 1340);

Chapter XLI of the Laws of 1882 (Penal Laws, Sec. 1341);

Sections 2, 4 and 5 of an Act of December 30, 1864 (Penal Laws, Secs. 1343, 1344, 1345);

Section 1 of Act 37 of the Laws of the Provisional Government (Penal Laws, Sec. 1349);

Section 43 of Act 57 of the Laws of 1896 (Penal Laws, Sec. 1393);

Sections 6, 7 and 8 of Chapter LXXV of the Penal Code (Penal Laws, Secs. 1425, 1426, 1427);

Section 20 of Chapter XXXV of the Laws of 1888 (Penal Laws, Section 1446);

Section 1 of Act 39 of the Laws of the Provisional Government (Penal Laws, Sec. 1447);

Section 3 of Chapter LVIII of the Laws of 1888 (Penal Laws, Sec. 1468);

Sections 1, 2 and 4 of Chapter LXXXV of the Penal Code (Penal Laws Secs. 1469, 1470, 1472);

Section 1 of Chapter XIII of the Laws of 1870 (Penal Laws Sec. 1471);

Section 2 of Act 4 of the Laws of 1895 (Penal Laws Sec. 1476);

Section 1 of Chapter XLVIII of the Laws of 1892 (Penal Laws Sec. 1487);

Section 1 of Chapter XXII of the Laws of 1878 (Penal Laws Sec. 1510);

Sections 7 and 8 of Chapter LXXXIX of the Penal Code (Penal Laws Secs. 1514, 1515);

Section 7 of Chapter 2 of the Laws of 1890 (Penal Laws Sec. 1607);

Section 2 of Chapter XXX of the Laws of 1876 (Penal Laws Sec. 1611);

Section 1 of Act 35 of the Laws of 1898;

Section 34 of Act 39 of the Laws of 1898;

Section 5 of Act 43 of the Laws of 1898;

Section 4 of Act 51 of the Laws of 1898;

And Section 4 of Act 54 of the Laws of 1898.

SECTION 3. This act shall take effect on the day of its approval.

Approved this 30th day of March, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 9.****AN ACT RELATING TO WAIVER OF TRIAL BY JURY IN CRIMINAL CASES LESS THAN FELONY.**

*Be it enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The defendant in any criminal case less than felony may with the consent of the court waive the right to a trial by jury either by written consent filed in court or by oral consent in open court entered on the minutes. Any case in which a trial by jury is waived as aforesaid may be tried by the court without a jury both as to the facts and the law at any time in term or in vacation, and when such trial shall have been had there shall be no further trial upon the facts, except upon the granting of a new trial according to law.

SECTION 2. The last paragraph of Section 68 of Chapter LVII of the Laws of 1892 as amended by Act 54 of the Laws of 1896 (Civil Laws, Sec. 1431), relating to waiver of trial by jury in certain criminal cases, is hereby repealed.

SECTION 3. This act shall take effect on the day of its approval.

Approved this 30th day of March, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 10.**

**AN ACT RELATING TO EMBEZZLEMENT, AMENDING SECTIONS 2 AND 3 OF CHAPTER XVIII OF THE PENAL CODE (Penal Laws, Sections 158, 159).**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2 of Chapter XVIII of the Penal Code (Penal Laws, Section 158) is hereby amended so as to read as follows:

"2. Whoever, being an officer or employee of the Territory or of any political or municipal corporation or subdivision thereof, is guilty of embezzlement of any money, note, or other effects or property belonging to the Territory or to such political or municipal corporation or subdivision thereof shall be punished by imprisonment at hard labor for not more than ten years, or by fine not exceeding five times the value of the thing or property embezzled."

SECTION 2. Section 3 of Chapter XVIII of the Penal Code (Penal Laws, Section 159) is hereby amended so as to read as follows:

"3. Whoever is guilty of embezzlement, other than is specified in the preceding section, if it be to the amount of one hundred dollars or more, shall be punished by imprisonment at hard labor not more than ten years, or by fine not exceeding five times the value of the property or thing embezzled; if it be to the amount of twenty dollars and less than one hundred, he shall be punished by imprisonment at hard labor not more than one year, or by fine not exceeding five hundred dollars; and if it be to an amount less than twenty dollars, he shall be punished by imprisonment at hard labor not more than six months, or by fine not exceeding one hundred dollars."

SECTION 3. This Act shall take effect on the twentieth day after its approval.

Approved this 1st day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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#### ACT 11.

AN ACT RELATING TO THE RECEIVING OF STOLEN GOODS,  
AMENDING SECTION 5 OF CHAPTER XX OF THE PENAL  
CODE (Penal Laws, Section 174).

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 5 of Chapter XX of the Penal Code (Penal Laws, Section 174) is hereby amended so as to read as follows:

"5. Whoever is guilty of receiving stolen goods to the amount of one hundred dollars or more, shall be punished by imprisonment at hard labor not more than five years, and by a fine not exceeding five hundred dollars; and if it be to an amount less than one hundred dollars, he shall be punished by imprisonment at hard labor not more than one year, and by fine not exceeding one hundred dollars."

SECTION 2. This Act shall take effect on the twentieth day after its approval.

Approved this 1st day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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## ACT 12.

AN ACT RELATING TO THE FELONIOUS BRANDING OF CATTLE,  
AMENDING SECTION 1 OF CHAPTER XXV OF THE PENAL  
CODE (Penal Laws, Section 215).

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Chapter XXV of the Penal Code (Penal Laws, Section 215) is hereby amended so as to read as follows:

"1. Whoever shall wilfully and feloniously brand, or otherwise mark, any kine, horse, mule, sheep, goat or other cattle belonging to another, with his mark, or with the mark of another not the owner of the animal so branded or marked, with the intent to convert it to his own use, or to the use of another shall be punished by imprisonment for not more than one year, or by a fine not exceeding two hundred dollars for each kine, horse, mule, sheep, goat or other cattle thus branded or marked."

SECTION 2. This Act shall take effect on the twentieth day after its approval.

Approved this 1st day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 13.**

AN ACT RELATING TO BURGLARY, AMENDING SECTION 5 OF ACT 38 OF THE LAWS OF 1896 (Penal Laws, Section 106).

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 5 of Act 38 of the Laws of 1896 (Penal Laws, Section 106) is hereby amended so as to read as follows:

“Section 5. Whoever is convicted of burglary in the first degree shall be punished by imprisonment at hard labor for not more than twenty years. Whoever is convicted of burglary in the second degree shall be punished by imprisonment at hard labor not more than ten years.”

SECTION 2. This Act shall take effect on the twentieth day after its approval.

Approved this 1st day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 14.**

AN ACT TO REPEAL ACTS 12 AND 77 OF THE PROVISIONAL GOVERNMENT (Penal Laws, Chapter 97), RELATING TO THE IMPORTATION AND SALE OF OPIUM.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Acts 12 and 77 of the Laws of the Provisional Government of the Hawaiian Islands (Penal Laws, Chapter

97), relating to the importation and sale of opium are hereby repealed.

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 1st day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 15.**

AN ACT RELATING TO LARCENY, AMENDING SECTION 15 OF CHAPTER XVI OF THE PENAL CODE AS AMENDED BY ACT 25 OF THE LAWS OF 1896 (Penal Laws, Section 132).

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 15 of Chapter XVI of the Penal Code as amended by Act 25 of the Laws of 1896 (Penal Laws, Section 132) is hereby amended so as to read as follows:

"15. Larceny is of two degrees, first and second. Larceny of the property of the value of more than fifty dollars is in the first degree, and shall be punished by imprisonment at hard labor not more than ten years.

All other larceny is in the second degree, and shall be punished by imprisonment at hard labor not more than one year, or by fine not exceeding one thousand dollars."

SECTION 2. This Act shall take effect on the twentieth day after its approval.

Approved this 1st day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.



**ACT 16.****AN ACT RELATING TO GUARDIANS AND WARDS.**

*Be it enacted by the Legislature of the Territory of Hawaii:*

**SECTION 1.** Section 1343 of the Civil Code (Civil Laws, Sec. 1956) is hereby amended so as to read as follows:

“Section 1343. Circuit Judges shall have jurisdiction to appoint guardians to minors and others according to Law.”

**SECTION 2.** Section 1349 of the Civil Code (Civil Laws, Sec. 1962) is hereby amended so as to read as follows:

“Section 1349. Nothing contained in this Chapter shall impair or affect the power of any court or judge to appoint a guardian to defend the interests of any minor impleaded in such court or before such judge, or interested in any suit or matter there pending, or their power to appoint or allow any person as next friend for a minor, to commence, prosecute, or defend any suit in his behalf.”

**SECTION 3.** Section 1367 of the Civil Code (Civil Laws, Sec. 1980) is hereby amended so as to read as follows:

“Section 1367. When any minor or other person liable to be put under guardianship according to the provisions of this Chapter, shall reside without this Territory, and shall have any estate therein, any friend of such person, or any one interested in his estate, in expectancy or otherwise, may apply to a Circuit Judge in any Circuit in which there is property belonging to such minor or other person and, after notice to all persons interested, to be given in such manner as the Judge shall order or as shall be required by law or rule of Court, and after a full hearing and examination, if it shall appear to him proper, he may appoint a guardian for such absent person.”

**SECTION 4.** Section 1378 of the Civil Code (Civil Laws, Sec. 1991) is hereby amended so as to read as follows:

"Section 1378. Such license in either of the cases aforesaid may be granted by any Circuit Judge of the Circuit in which any of the estate intended to be sold lies."

SECTION 5. Section 1386 of the Civil Code (Civil Laws, Sec. 1999) is hereby amended so as to read as follows:

"Section 1386. When a minor, insane person, or spendthrift residing without the Territory, shall be put under guardianship in the country in which he resides, and shall have no guardian appointed in this Territory, the foreign guardian may file an authenticated copy of his appointment in the Circuit Court of any Circuit in which there is property belonging to such minor, insane person, or spendthrift, after which he may be licensed to sell the real estate of the ward, and may otherwise act, in the same manner and on the same terms and conditions as are prescribed in this Chapter in the case of a guardian appointed in this Territory, excepting in the particulars hereinafter mentioned."

SECTION 6. Sections 1344, 1346-1348, 1361-1364, 1366, 1370, 1371, 1376, 1379, 1380, 1383 (as amended by Chapter XXXIV of the Laws of 1874), 1384, 1390 and 1392 of the Civil Code (Civil Laws, Secs. 1957, 1959-1961, 1974-1977, 1979, 1983, 1984, 1989, 1992, 1993, 1996, 1997, 2003 and 2005) are hereby amended by striking therefrom the words "of probate" and "Court" wherever they occur and by inserting in lieu of the word "court" where so stricken out the word "Judge".

SECTION 7. Section 1388 of the Civil Code (Civil Laws, Sec. 2001) is hereby repealed.

SECTION 8. This Act shall take effect on the day of its approval.

Approved this 1st day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 17.**

AN ACT RELATING TO ASSAULT AND BATTERY, AMENDING SECTION 7 OF CHAPTER IX OF THE PENAL CODE AS AMENDED BY ACT 34 OF THE LAWS OF 1896, AND ADDING A NEW SECTION TO SAID CHAPTER IX.

*Be it enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 7 of Chapter IX of the Penal Code as amended by Act 34 of the Laws of 1896 (Penal Laws, Section 61) is hereby amended so as to read as follows:

"7. Whoever shall commit an assault or an assault and battery on any public officer, civil or judicial, with intent to resist, prevent, hinder or obstruct him in the discharge or execution of his duty as such shall be punished by a fine not exceeding one thousand dollars or by imprisonment at hard labor not more than one year."

SECTION 2. A new Section is hereby added to Chapter IX of the Penal Code as follows:

"9A. Whoever shall commit an assault upon another, for which no other penalty is prescribed by law, shall be punished by a fine of not more than one hundred dollars or by imprisonment at hard labor not more than six months."

SECTION 3. This Act shall take effect on the twentieth day after its approval.

Approved this 3rd day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 18.**

AN ACT TO REPEAL ACT 10 SESSION LAWS 1901, ENTITLED "AN ACT RELATING TO THE APPOINTMENT OF BAILIFFS FOR CERTAIN COURTS IN THE TERRITORY OF HAWAII AND DEFINING THE POWERS AND DUTIES OF SUCH BAILIFFS AND FIXING THE AMOUNT OF THEIR COMPENSATION, AND PROVIDING THE PAYMENT OF SUCH COMPENSATION".

*Be it enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Act 10 Session Laws of 1901 is hereby repealed.

SECTION 2. This Act shall take effect on the first day of July, A. D. 1903.

Approved this 3rd day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 19.**

AN ACT TO ABOLISH ESTATES IN JOINT TENANCY AND BY ENTIRETY EXCEPT IN CERTAIN CASES.

*Be it enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All grants, conveyances and devises of land, or of any interest therein, hereafter made to two or more persons, shall be construed to create estates in common and not in joint-tenancy or by entirety, unless it shall manifestly appear from the tenor of the instrument that it was intended to create an estate in joint-tenancy or by entirety, provided, however, that the foregoing provision shall not apply to grants, conveyances or devises to executors or trustees.

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 3rd day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 20.**

AN ACT TO LICENSE THE BREWING AND SALE OF MALT LIQUORS.

*Be it enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Treasurer of the Territory of Hawaii is hereby authorized to issue licenses to any person, persons or corporations applying therefor for the brewing and sale of malt liquors in the Territory of Hawaii, for the term of fifteen years; provided, however, that no sales of such malt liquors shall be made by the owners of such licenses in less quantities than five gallons in bulk or if in bottles not less than one dozen quarts or two dozen pints.

SECTION 2. All holders of such licenses shall pay to the Treasurer of the Territory of Hawaii an annual license fee of Two Hundred and Fifty Dollars during the term of such license the first payment to be made upon the issue of such license.

SECTION 3. Any person or corporation licensed to brew malt liquors under this Act who shall in the manufacture of such malt liquors make use of any deleterious or poisonous drugs or substance or who shall manufacture or offer for sale malt liquors of an alcoholic strength above ten per cent. shall upon conviction be punished by a fine not exceeding One Thousand Dollars or by imprisonment at hard labor for a term not exceeding one year.

SECTION 4. Any license granted under this Act shall become void unless the owner thereof shall be ready to begin the manufacture of malt liquors and shall begin such manufacture within one year from the date of such license.

SECTION 5. Upon the decease of any person holding such license his legal representatives shall be the owners of such license and shall be entitled to all the privileges and be subject to all the disabilities of this Act but no such license shall be voluntarily sold or transferred without the written consent of said Treasurer.

SECTION 6. All laws and parts of laws inconsistent herewith are hereby repealed.

SECTION 7. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 21.**

AN ACT RELATING TO CONTEMPTS, AMENDING SECTION 18 OF CHAPTER XXIX OF THE PENAL CODE, ADDING A NEW SECTION TO SAID CHAPTER, AND REPEALING SECTIONS 2 AND 3 OF CHAPTER XLII OF THE LAWS 1888.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 18 of Chapter XXIX of the Penal Code (Penal Laws, Sec. 257) is hereby amended by striking out the last four paragraphs thereof and inserting in lieu thereof the following:

"1. The Supreme Court or any Justice thereof, by fine not exceeding one hundred dollars or imprisonment not exceeding sixty days, and not otherwise.

"2. Any Circuit Court or Circuit Judge, by fine not exceeding one hundred dollars or imprisonment not exceeding thirty days, and not otherwise.

"3. Any District Magistrate, any person acting in a judicial capacity by authority from a Court of Record, or any other person or tribunal having by law authority to punish for contempt, by fine not exceeding ten dollars or imprisonment not exceeding ten days, and not otherwise.

"And when any person shall be committed to prison for the non-payment of any such fine he shall be discharged not later than the expiration of the time for which the court or judge or other person or tribunal imposing such fine could have sentenced him to imprisonment under the provisions of this section."

SECTION 2. A new section is hereby added to said Chapter XXIX as follows:

"21. Constructive contempts shall not be punishable as such except by the Supreme Court, the several Circuit Courts, and the Justices and Judges of said Courts respectively at Chambers. Whenever any person shall be adjudged guilty of any contempt or sentenced therefor, the particular circumstances of the offense shall be fully set forth in such judgment and in the order or warrant of commitment, and, on appeal, exceptions, writ of error, *habeas corpus* or other proceedings for the review of such judgment, sentence or commitment, no presumption of law shall be made in support of the Jurisdiction to render such judgment or pronounce such sentence or order such commitment. Every judgment, sentence or commitment for a civil contempt or for a constructive or indirect criminal contempt shall be subject to appeal, exceptions, writ of error or other proceeding for review as provided by law in other cases, provided, however, that on any such appeal or other proceeding for review only questions of law shall be con-

sidered, and that nothing herein contained shall be construed to prohibit the review of proceedings in any case of contempt, civil or criminal, direct or indirect, on *habeas corpus* or otherwise as heretofore allowed."

SECTION 3. Sections 2 and 3 of Chapter XLII of the Laws of 1888 are hereby repealed.

SECTION 4. This Act shall take effect on the day of its approval.

Approved this 3rd day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 22.**

**AN ACT RELATING TO DIVORCE, SEPARATION AND ANNULMENT OF MARRIAGE.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1313 of the Civil Code (Civil Laws, Sec. 1920) is hereby amended so as to read as follows:

"Section 1313. Any Circuit Judge may, by a decree of nullity, declare void the marriage contract for any of the following causes, existing at the time of the marriage:

1. That the parties were related to each other nearer than the fourth degree of consanguinity;
2. That the parties, or either of them, had not attained the legal age of marriage;
3. That the husband had an undivorced wife living, or the wife had an undivorced husband living;



4. That one of the parties was an idiot or lunatic;

5. That one of the parties was impotent or physically incapable of entering into the marriage state."

SECTION 2. Sections 1314, 1318, 1322, 1327, 1328, 1329, 1333, 1337, 1338, 1340 and 1341 of the Civil Code, (Civil Laws, Secs. 1921, 1925, 1929, 1942, 1943, 1944, 1947, 1951, 1952, 1954 and 1955), Sections 1, 5 and 10 of Chapter XVI of the Laws of 1870 (Civil Laws, Secs. 1930, 1934, 1938), Section 8 of Chapter XVI of the Laws of 1870, as amended by Section 4 of Chapter XXVI of the Laws of 1878 (Civil Laws, Sec. 1937), and Section 2 of the second Act of 1866 (Civil Laws, Sec. 1949), are hereby amended by striking therefrom the word "Court", whenever it occurs therein, and inserting in lieu thereof the word "Judge".

SECTION 3. Section 1316 of the Civil Code (Civil Laws, Sec. 1923) is hereby amended by striking therefrom the words "Judge of a Court of Record at Chambers" and inserting in lieu thereof the words "Circuit Judge".

SECTION 4. Section 2 of Chapter XVI of the Laws of 1870 as amended by Section 1 of Chapter XXVI of the Laws of 1878 (Civil Laws, Sec. 1931) is hereby amended so as to read as follows:

"Section 2. Exclusive original jurisdiction in matters of divorce, subject to appeal according to law, is conferred upon the Circuit Judge or Judges severally of the Circuit in which the parties shall have last lived together as husband and wife, or, in case they shall not have so last lived together in this Territory, upon the Circuit Judge or Judges severally of the Circuit in which the applicant resides. No such case shall be heard except openly in the public court rooms. No divorce shall be granted for any cause unless the applicant therefor shall have resided in the Territory for two years next preceding the application."

SECTION 5. Section 3 of Chapter XVI of the Laws of 1870 as amended by Section 2 of Chapter XXVI of the Laws of

1878 (Civil Laws, Sec. 1932) is hereby amended so as to read as follows:

"Section 3. All proceedings for divorce shall be commenced by libel, to be signed by the libellant, and sworn to and the same shall set forth the marriage of the parties and the cause of divorce with sufficient particularity to constitute a case for judicial action. Such libels shall be filed in the office of the clerk of the Circuit Court, and, upon the filing thereof, a writ of summons, with a certified copy of the libel attached, shall be issued returnable as in other cases before Circuit Judges at Chambers. Such process shall be served by delivering the same personally to the respondent; and the Judge shall not entertain jurisdiction of the libel unless by consent of the respondent, until at least twenty days after such personal service shall have been completed, except as provided in the following Section".

SECTION 6. Section 4 of Chapter XVI of the Laws of 1870 (Civil Laws, Sec. 1933) is hereby amended so as to read as follows:

"Section 4. No person shall be entitled to a divorce unless the respondent shall have been personally served with process, if within the Territory, or, if without the Territory, shall have had personal notice duly proved and appearing of record, or shall have entered an appearance in the case; but if it shall appear to the satisfaction of the Judge that the libellant does not know the address or the residence of the respondent and has not been able to ascertain either after reasonable and due inquiry and search for six months after suit is brought, the Judge may authorize notice by publication of the pendency of the suit for divorce to be given in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings, published in the Territory, at least six times, and may hear and determine the case at any time not less than twenty days after the last publication of such notice."

SECTION 7. Section 7 of Chapter XVI of the Laws of 1870 (Civil Laws, Sec. 1936) is hereby amended so as to read as follows:

“Section 7. If there be any reason to suspect collusion, or that important testimony can be procured which has not been produced, it shall be the duty of the Judge to continue the cause from time to time while such reason for suspicion continues, and the Attorney General or other prosecuting officer and parties not of record shall be heard, to establish the fact of collusion or of the existence of testimony not produced.”

SECTION 8. Chapter XVIII of the Laws of 1872 (Civil Laws, Sec. 1939) is hereby amended so as to read as follows:

“The several Circuit Judges, after the filing of any libel for divorce, may pass the orders authorized by Section 10 of Chapter XVI of the Laws of 1870 (Civil Laws, Sec. 1938), and may revise and amend such orders from time to time.”

SECTION 9. Section 11 of Chapter XVI of the Laws of 1870, as amended by Section 6 of Chapter XXVI of the Laws of 1878 (Civil Laws, Sec. 1940) is hereby repealed.

SECTION 10. Section 1336 of the Civil Code (Civil Laws, Sec. 1950) is hereby amended by altering the first paragraph thereof so as to read as follows:

“Section 1336. A separation from bed and board forever or for a limited time may be decreed by any Circuit Judge, for any of the following causes:”

SECTION 11. All suits for divorce, separation or annulment of marriage and proceedings incidental thereto pending in the Circuit Courts when this Act takes effect are hereby transferred from such courts respectively to the Judges thereof at Chambers.

SECTION 12. This Act shall take effect on the twentieth day after its approval.

Approved this 6th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 23.**

AN ACT TO REPEAL A PART OF SECTION TWO, CHAPTER SEVENTY-TWO, SESSION LAWS OF 1886, AND TO REMIT CLAIMS FOR SPECIAL TAX ON MALT LIQUORS UNDER SAID SECTION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. So much of Section two, Chapter seventy-two, Session Laws of 1886, as provides for the payment of a special tax of five cents a gallon for all malt liquors made under the license named in said Act, is hereby repealed.

SECTION 2. All claims for said special tax named in Section 1 hereof, existing on behalf of the Territory of Hawaii in respect to malt liquors since the date of the annexation of Hawaii to the United States of America are hereby remitted and the holder or holders of any license to manufacture malt liquors issued under the Act above named are hereby relieved and discharged from any liability to pay said special tax of five cents a gallon as to any malt liquors manufactured since the date of the annexation of Hawaii to the United States of America.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 8th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 24.**

AN ACT TO LICENSE THE RETAIL SALE OF MALT LIQUORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Treasurer of the Territory is hereby authorized to grant licenses for one year to any person or

persons making written application for the same to sell malt liquors, of not more than ten per cent alcoholic strength, by the glass or in any other quantity less than five gallons upon the premises specified in such license, between the hours of half past five o'clock in the morning and half past eleven o'clock at night, on every day except Sunday, upon receiving for each such license the sum of Two Hundred and Fifty Dollars.

SECTION 2. The proposed location of such licensed premises shall be subject to the approval of said Treasurer or of the High Sheriff of the Territory of Hawaii, and shall not be changed except by written consent of said Treasurer; provided, however, that no such license shall be issued authorizing such sale upon any premises lying within 150 feet of the premises used as a school or church and occupied and used as such; and provided, however, for the City of Honolulu, no such license for the retail sale of malt liquors shall issue for premises within the district bounded by River Street, Beretania Street, Ewa side of Alakea Street to the Harbor Front, along the Harbor Front to River Street.

SECTION 3. Before receiving any license to sell malt liquors as above the applicant shall file an approved bond with said Treasurer under penalty of Five Hundred Dollars, conditioned:

First: That he will not dispose of any malt liquors to any person in a state of intoxication or to minors; or allow minors or intoxicated persons on such licensed premises.

Second: That he will not sell or otherwise dispose of on the premises for which he is licensed, nor will store thereon nor allow to be stored thereon any wines, spirits or liquors of any description other than malt liquors.

SECTION 4. Such license and bond may contain a provision which in the opinion of said Treasurer shall be necessary to prevent or detect any violation of this Act or of such license or bond.

SECTION 5. Upon the conviction of the party so licensed for breach of any of the terms of his bond or license the amount of such bond shall be forfeited.

SECTION 6. It shall be unlawful to sell any malt liquors without a license. Any person who shall sell malt liquor without a license shall be guilty of a misdemeanor and, upon conviction, be fined not less than One Hundred Dollars nor more than Two Hundred and Fifty Dollars.

SECTION 7. This Act shall take effect from and after the date of its approval.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor was, upon a vote taken by ayes and noes, approved by a two-thirds' vote of all the elective members of the Senate of the Territory of Hawaii, this 9th day of April, A. D. 1903.

CLARENCE L. CRABBE,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor was, upon a vote taken by ayes and noes, approved by a two-thirds' vote of all the elective members of the House of Representatives of the Territory of Hawaii, this 9th day of April, A. D. 1903.

F. W. BECKLEY,  
Speaker.

SOLOMON MEHEULA,  
Clerk.

**ACT 25.****AN ACT TO REGULATE THE MANNER OF GIVING NOTICES OF MEETINGS OF BOARDS OF REGISTRATION.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be the duty of the Boards of Registration of the several districts to publish a notice in English and Hawaiian of all meetings of the Board in newspapers of general circulation in the district and by posting notices in at least three places in each district.

The first publication shall be not less than four weeks before such meetings and the notices shall appear weekly for at least three weeks.

The hours which the Board shall be in session shall be given in such notices as well as the day.

SECTION 2. Any Board failing to carry out the provisions of this Act shall be liable to removal by the Governor.

SECTION 3. This Act shall be in force from and after its approval.

Approved this 13th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 26.****AN ACT TO AMEND SECTIONS 1292, 1295 AND 1296 OF THE CIVIL CODE, RELATING TO MARRIED WOMEN.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1292 of the Civil Code (Civil Laws, Section 1896), relating to Married Women, is hereby amended so as to read as follows:

“Section 1292. Any Judge of any Circuit Court, on application of any married woman, whose husband has absented himself from the Territory, abandoning her, and not making sufficient provision for her maintenance, may empower her, during his absence, and till his return, in her own name, to make and execute any contract under seal or otherwise.”

SECTION 2. Section 1295 of the Civil Code (Civil Laws, Section 1899), relating to said subject, is hereby amended so as to read as follows:

“Section 1295. Any Circuit Judge may also, on her petition, authorize any person holding money or other personal property, to which the husband is entitled in her right, to pay and deliver the same to the wife; and authorize her to give a discharge for the same, which shall be valid; and to use and dispose of such property, during the absence of her husband, as her own property.”

SECTION 3. Section 1296 of the Civil Code (Civil Laws, Section 1900), relating to said subject, is hereby amended so as to read as follows:

“Section 1296. Upon application, for any of the purposes before mentioned, the Judge, before granting any of the powers before mentioned, shall order notice to be given by publishing the same for three consecutive weeks in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings, the last publication of which notice shall be at least three calendar months before the granting of the application.”

SECTION 4. This Act shall take effect from the date of its approval.

Approved this 13th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.



**ACT 27.**

AN ACT RELATING TO MONGOOSE, REPEALING SECTION 2 OF  
CHAPTER XLVIII OF THE SESSION LAWS OF 1892.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2 of Chapter XLVIII of the Session Laws of 1892 (Penal Laws, Section 1488), entitled "An Act to Prohibit Introducing, Keeping or Breeding Mongoose on the Hawaiian Islands," is hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 28.**

AN ACT RELATING TO MARRIAGE CONTRACTS, AMENDING SECTION 1 OF CHAPTER XXIII OF THE SESSION LAWS OF 1872.

*Be it enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Chapter XXIII of the Session Laws of 1872 (Civil Laws, Section 1870), relating to Marriage Contracts, is hereby amended so as to read as follows:

"Section 1. In order to make valid the marriage contract, it shall be necessary that the respective parties be not related to each other nearer than in the fourth degree of consanguinity; that the male at the time of contracting the marriage shall be at least seventeen years of age, and the female at least fourteen years of age; that the man shall not at the time have any lawful wife living and that the woman

shall not at the time have any lawful husband living; and it shall in no case be lawful for any persons to marry in this Territory without a license for that purpose duly obtained from an agent duly appointed to grant licenses to marry."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 29.**

AN ACT TO AMEND SECTION 1426 OF THE CIVIL CODE, (SECTION 2009 OF THE CIVIL LAWS OF 1897.)

*Be it enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1426 of the Civil Code, (being Section 2009 of the Civil Laws of 1897) is hereby amended by inserting after the word "Charter" in the seventh line thereof, the words, "including therein shares in other corporations." And also by inserting after the word "require" in the eighth line of said Section, the words: "and to mortgage the same to secure any debt of the corporation."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 30.**

AN ACT TO AUTHORIZE W. W. DIMOND, HIS ASSOCIATES, SUCCESSORS AND ASSIGNS, TO MANUFACTURE AND SUPPLY FUEL AND ILLUMINATING GAS AND ITS BY-PRODUCTS, IN HONOLULU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That W. W. Dimond, of Honolulu, Island of Oahu, Territory of Hawaii, his associates, successors and assigns, or such corporation as he or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as W. W. Dimond) are hereby authorized and empowered to manufacture and supply gas for use as a fuel, for illuminating purposes, and otherwise, in Honolulu, which, for the purposes of this Act, shall be held to include all of that portion of the Island of Oahu extending from the westerly limits of Moanalua to the southeastern extremity of said island, and lying to the south-west of the Konahuanui range of mountains on said island.

SECTION 2. Said W. W. Dimond shall have the right to erect and maintain at such places, within the limits mentioned in Section 1, as the Superintendent of Public Works shall approve, such buildings, machinery and appurtenances as may be necessary for the production, manufacture and storage of such gas, together with its various by-products, as may be required from time to time during the existence of the rights hereby granted.

SECTION 3. Said W. W. Dimond, for the purpose of distributing such gas for use as by this Act authorized, shall have the right from time to time to lay pipes or other conduits for such distribution, in or under the streets, roads and places in the said district; and whenever supply pipes and mains shall be laid in any block, connections shall be made and pipes shall be laid from said main to the curb line of the street for

the purpose of supplying gas to the property holders adjoining such street, and each of such connections shall be provided with stop cocks inside of such curb line; provided that nothing herein shall prevent the laying down of additional branches or connections at any time when future requirements render the same necessary. But the methods by which such streets, roads and places are to be used shall be subject to the prior consent and approval of the Superintendent of Public Works, and all instructions and directions made by him shall be strictly followed, to the end that the general public shall be inconvenienced as little as possible; and provided likewise that whenever any street, road or other place shall be excavated and holes or trenches made therein for laying, maintaining, replacing or repairing such pipes, conduits or connections, such holes or trenches shall be safeguarded and refilled as soon as possible, and the pavement, if any, and such street, road or place shall be replaced in good order and condition.

PROVIDED, that if such repair or restoration shall not be made to the satisfaction of the Superintendent of Public Works within a reasonable time, whereof he shall be judge, he may cause it to be done at the expense of the said W. W. Dimond.

SECTION 4. Said W. W. Dimond shall also have the right to erect and maintain lamp posts or other appliances for lighting streets, roads or other places, and of connecting the same with the supply pipes; provided that such use of said streets, roads or other places shall first be approved by said Superintendent of Public Works. And provided further that, if said W. W. Dimond shall manufacture and supply illuminating gas as well as gas for fuel, and shall erect lamp posts as aforesaid, he shall on requisition of the Superintendent of Public Works furnish free of cost gas for fifty street lights and thereafter shall each year furnish five more in addition to the number furnished the preceding year.

SECTION 5. Said W. W. Dimond shall also have the right to maintain and use gas meters or other means for measuring

the amount of gas used, from time to time, and in such places as may be deemed necessary, and to operate the same for all purposes connected with the use of such gas, and shall also have the right to charge, receive and collect from all consumers of gas such price as he, or such persons or corporation, may from time to time fix and determine, but not at any time to exceed two and one-half dollars (\$2.50) per thousand cubic feet, and shall also have the right to charge consumers or intended consumers of gas for the cost and expense of making connections between the mains and premises where such gas is to be used, and may include also the price for all connecting pipe, gas fixtures and other material necessary.

SECTION 6. Said W. W. Dimond shall also have the right to cut off the supply of gas from any consumer who shall refuse or fail to pay amounts due, for gas so supplied by the said W. W. Dimond, within such reasonable time as may be fixed for payment of the same; but such cutting off shall not prevent the said W. W. Dimond from using any remedies now or which may hereafter be authorized by law for collecting debts.

SECTION 7. Said W. W. Dimond may erect and construct all buildings, machinery and other appurtenances necessary to the operation of the rights hereby granted, and may maintain and operate the plant necessary to the enjoyment of the rights hereby granted, either personally or in connection with others as partners; or the rights, powers and authorities hereby granted may be assigned to other persons, or to a corporation to be by him or them incorporated under the laws of the Territory of Hawaii, but in all cases, by whomsoever the rights, powers and authorities hereby granted shall be exercised, such exercise and operation shall be in such manner as to cause the least inconvenience to the public, and he or they shall in such use, provide fuel and illuminating gas of the best quality obtainable, which quality shall be subject to the control of such reasonable rules and regulations as the Superintendent of Public Works shall from time to time deem necessary for the protection of the public, and the buildings and

machinery, with all appurtenances, to be erected, and general plant to be maintained in connection therewith, together with the offices, books and accounts of the said persons or corporation, shall be open to examination and inspection at all times by the Superintendent of Public Works, or his agent duly authorized for that purpose.

SECTION 8. It is further provided that the rights hereby granted shall cease and determine, if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing or supplying such gas, or by laying pipes or other conduits in any of such streets, roads or places, within one year from and after the passage of this Act, or within one year after the franchise hereby granted shall be approved by the Congress of the United States. should such approval be deemed necessary to the legality hereof; and also that such works shall be in operation and gas shall be supplied for the purpose of this Act within two years after such work has been so commenced; and the rights, powers and authorities hereby granted shall continue to exist and shall remain in full force and effect for thirty-five (35) years from and after the date when the works and plant herein provided for shall have commenced the actual distribution of gas. Provided that the rights hereby granted shall not be considered exclusive.

SECTION 9. On the first day of July of each year there shall be payable to the Treasurer of the Territory of Hawaii, for and on behalf of such Territory, two and one-half per cent. ( $2\frac{1}{2}\%$ ) of the gross receipts of said W. W. Dimond for all gas furnished to consumers under the terms of this Act.

SECTION 10. This Act shall take effect from and after the date of its approval.

Approved this 15th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

## ACT 31.

AN ACT PROVIDING FOR THE ORGANIZATION AND GOVERNMENT  
OF COUNTIES AND DISTRICTS, AND THE MANAGEMENT AND  
CONTROL OF PUBLIC WORKS AND PUBLIC INSTITUTIONS  
THEREIN.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

## TITLE 1.

## COUNTIES.

## CHAPTER 1.

## COUNTY BOUNDARIES.

SECTION 1. The Territory of Hawaii is hereby divided into five Counties, namely:

(a) The Island of Oahu, and all other Islands of the Territory not included in any other County, and the waters adjacent thereto, shall be the County of Oahu, the County Seat of which shall be Honolulu. Said County shall be the first judicial circuit of the Territory, and be under the jurisdiction of the Circuit Court of the First Circuit of the Territory. For the purposes of taxation, said County shall be the first taxation division of the Territory; also the third election district for the election of members of the Senate, and the fourth and fifth election districts for the election of Representatives. Inter-island and also outside Territorial waters within the jurisdiction of Territorial courts, including the Federal Court, shall be deemed to be part of the several Counties to which such Inter-island or outside waters are adjacent. The courts of the Counties between which are Inter-island Territorial waters shall have concurrent jurisdiction over the same. (Bird Island and Laysan Island and the Territorial waters around the same respectively, shall be part of the County of

Oahu within the first judicial circuit of the Territory and first taxation division thereof.)

(b) The Islands of Maui, Molokai, Lanai and Kahoolawe, and all other Islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto, shall be the County of Maui, the County Seat of which shall be Wailuku, on the Island of Maui. Said County shall be the second judicial circuit of the Territory of Hawaii, and be under the jurisdiction of the Circuit Court of the Second Circuit of the Territory. For purposes of taxation, said County shall be the second taxation division of the Territory; also, the second election district for the election of members to the Senate, and the third election district for the election of Representatives to the Legislature.

*Provided, however,* that all that portion of the Island of Molokai known as Kalaupapa, Kalawao and Waikolu, and commonly known or designated as the Leper Settlement shall not be nor form a part or portion of the County of Maui, but shall be and is hereby constituted a County in itself, and shall be a body corporate and politic, and as such shall have only the powers especially conferred and given by this Section, and shall be known as the County of Kalawao. Except as provided in this Section none of the provisions of this Act or of any other Act relating to Counties shall be deemed to refer or apply to or shall be applicable to the said County of Kalawao.

The said County shall be under the direct jurisdiction and control of the Board of Health, and be governed by the rules, regulations and laws now in force relating to said Board of Health and the care and segregation of lepers except as herein limited. There shall be no County officers in said County other than the District Magistrate and Sheriff who shall be residents of and be elected in said County at the first general election to be held under the provisions of this Act and thereafter as provided by law, and who shall each hold office for two years.



The salaries of the District Magistrate and Sheriff shall be fixed and paid by the Board of Health out of the appropriation allowed by the Legislature for the care and segregation of the lepers.

The Sheriff of the County of Kalawao shall preserve the public peace, arrest and take before the Magistrate for examination all persons who attempt to commit or who have committed a public offense, and shall prosecute same to the best of his ability.

Shall have the power to appoint and dismiss and reappoint at his discretion not more than five policemen for the County, who, for the services rendered as policemen, shall receive such pay as the Board of Health shall determine, and which pay shall be taken out of and from the appropriation made by the Legislature for the care and segregation of the Lepers;

Shall prevent and suppress affrays, breaches of the peace, riots and insurrections;

Command the aid of as many male inhabitants of his County as he may think necessary in the execution of his duties;

Take charge of and keep the county jail and the prisoners therein;

Serve all processes and notices prescribed by law, and be *ex officio* County Coroner.

The District Magistrate of the County of Kalawao shall have power to hear and determine cases within the limits of the County, and have the same jurisdiction to hear and determine cases as District Magistrates have under the laws of the Territory.

He shall collect the same fees as are collected by other District Magistrates under the laws of the Territory, and shall pay the same over to the Board of Health as a County realization.

In the event of the death, resignation or other disqualification of either the District Magistrate or the Sheriff during his

term of office, the Board of Health shall appoint the successor of the one so dying, resigning or disqualifying, and such appointment shall hold good until the next general election and the election of his successor, as the case may be.

(c) The districts of Kau, North Kohala, South Kohala, North Kona and South Kona, upon the Island of Hawaii, and all other Islands within three nautical miles of the shores thereof, and the waters adjacent thereto, shall be the County of West Hawaii, the County Seat of which shall be Kailua.

Said County shall be the third judicial circuit of the Territory and be under the jurisdiction of the Circuit Court of the Third Circuit of the Territory. For purposes of taxation, said County shall be the part of the third taxation division of the Territory of Hawaii within said County; also the part of the first election district within said County for the election of members to the Senate and of the first and second election districts for the election of Representatives to the Legislature.

(d) The districts of Hilo, Puna and Hamakua, upon the Island of Hawaii, and all other Islands within three nautical miles of the shores thereof, and the waters adjacent thereto, shall be the County of East Hawaii. Said County shall be the fourth judicial circuit of the Territory of Hawaii, and be under the jurisdiction of the Circuit Court of the Fourth Circuit of the Territory. The County Seat of said County shall be at Hilo. For the purposes of taxation, said County shall be the part of the third taxation division of the Territory of Hawaii within said County; also the part of the first election district within said County for the election of members to the Senate, and of the first and second election districts for the election of Representatives to the Legislature.

(e) The Islands of Kauai and Niihau, and all other Islands within three nautical miles thereof, and the waters adjacent thereto, shall be the County of Kauai, the County Seat of which shall be Lihue, on the Island of Kauai.

Said County shall be the fifth judicial circuit of the Territory and be under the jurisdiction of the Circuit Court of the Fifth Circuit of the Territory. For purposes of taxation, said County shall be the fourth taxation division of the Territory; also the fourth election district for the election of members to the Senate and the sixth election district for the election of Representatives to the Legislature.

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## CHAPTER 2.

### DISTRICTS.

SECTION 2. The Counties shall be divided into Districts, as follows, viz:

The county of Oahu into five Districts, as follows:

Honolulu District; Ewa and Waianae District; Waialua District; Koolauloa District; Koolaupoko District.

The County of Maui into five Districts, as follows:

Lahaina and Lanai District; Wailuku District; Hana District; Makawao District; Molokai District.

The County of West Hawaii into five Districts, as follows:

North Kohala District; South Kohala District; North Kona District; South Kona District; Kau District.

The County of East Hawaii into four Districts, as follows:

Hamakua District; North Hilo District; Hilo District; Puna District.

The County of Kauai into six Districts, as follows:

Waimea District; Koloa District; Lihue District; Kawaihau District; Hanalei District; Niihau District.

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## CHAPTER 3.

### GENERAL POWERS OF COUNTIES.

SECTION 3. The powers of the several Counties shall be exercised by Boards of County Supervisors, or by agents or officers acting under their authority or authority of law.

SECTION 4. Each of the several Counties shall be a body corporate and politic, and have the powers specified in this Act and such other powers as are necessarily implied.

SECTION 5. Each County has power:

- 1—To sue and be sued in its corporate name;
- 2—To purchase and hold lands within its defined boundaries;
- 3—To make such contracts and purchases and hold such real and personal property as shall be necessary to the exercise of its powers;
- 4—To manage and dispose of its property as the interests of its inhabitants may require;
- 5—To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law;
- 6—To do all things necessary and proper to carry into execution the foregoing powers, and all other powers vested in such County, or in any officer thereof.

SECTION 6. No County shall, in any manner, give or loan its credit to or in aid of any person or corporation. An indebtedness or liability incurred contrary to this provision shall be void.

SECTION 7. All contracts, authorizations, allowances, payments, and liabilities to pay, in violation of this Act, shall be void and shall never be a basis of a claim against the County. All officers of each of said Counties are charged with notice of the condition of its treasury, and the extent of the claims against the same.

SECTION 8. Any officer authorizing, or aiding to authorize or auditing, or allowing, or paying any claim or demand upon or against any County, in violation of any of the provisions of this Act, or of the Organic Act of the Territory, shall be liable in person and upon his official bond to the person or persons damaged thereby, to the extent of his or their loss, by reason of the non-payment of his or their claims.

SECTION 9. Whenever the Board of Supervisors shall, without authority of law, order any money paid as salary, fees, or for any purpose, and such money shall have been paid; or whenever any County officer has drawn any warrant or warrants in his own favor, or in favor of any other person, without being authorized by the Board of Supervisors, or by the law, and the same shall have been paid, the District Attorney of the County is empowered, and it is hereby made his duty, to institute suit, in the name of the County, against such person or persons, to recover the money so paid, and twenty per cent. damages for the use thereof; and no order of the Board of Supervisors therefor shall be necessary to maintain such suit.

When the money has not been paid upon such order or warrants it is hereby made the duty of the District Attorney of such County upon receiving notice thereof, to commence suit, in the name of the County, to restrain the payment of the same; and no order of the Board of Supervisors shall be necessary to maintain such suit.

SECTION 10. Whenever a grand jury is impanelled the Circuit Judge empanelling the same shall call its attention to the provisions of the foregoing Sections, and have them ascertain by careful and diligent investigation, whether the provisions of said Sections have been complied with, and to note the result of such investigations in their record.

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#### CHAPTER 4.

##### COUNTY SEATS.

SECTION 11. No County Seat shall be changed or removed, unless two-thirds of the qualified electors of the County voting on the proposition at a general election shall vote in favor of such removal.

SECTION 12. Whenever there shall be presented to the Board of Supervisors a petition, signed by the qualified electors of a County, in number equal to a majority of the votes

cast at the last preceding general election, praying for the removal of the County Seat of the County, the Board shall by due proclamation submit the question of such removal of the County Seat, at the next general election to the qualified electors of such County. The election shall be conducted and the returns canvassed in all respects as provided by law for the conduct of general elections and canvassing the returns thereof.

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## TITLE 2.

### POWERS OF COUNTIES.

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## CHAPTER 5.

### BOARD OF SUPERVISORS.

SECTION 13. The County of Oahu shall have a Board of Supervisors consisting of seven members, two members thereof to be elected from the Fourth District, two members from the Fifth District, and the remaining three to be elected at large and without regard to their place of residence within said County. Each other of the several Counties of the Territory shall have a Board of Supervisors consisting of five members. The pay of Supervisors of each County for the services rendered by them shall be Fifty Dollars a month for each Supervisor, to be paid out of the County Funds.

SECTION 14. Except for the County of Oahu, each member of the Board of Supervisors shall be an elector of the County which he represents, reside therein during his incumbency, shall have been such elector for at least three years immediately preceding his election, and shall be elected at large and without regard to his place of residence within said County.

SECTION 15. Whenever a vacancy shall occur in the Board of Supervisors of any County, the remaining members shall fill the vacancy, but in the case of a tie, the Governor of the

Territory shall fill the vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case the election of a Supervisor shall be held at the next general election, to fill the vacancy for the unexpired term.

SECTION 16. Each Board of Supervisors shall elect a Chairman who shall preside at all meetings of the Board, and in case of his absence or inability to act, the members present shall, by an order entered on their records, select one of their number to act as Chairman temporarily. Any member of the Board may administer oaths, when necessary, in the performance of his official duties. A majority of the members of the Board shall constitute a quorum for the transaction of business, and no act of the Board shall be valid or binding unless a majority of all the members elected concur therein.

SECTION 17. The County Clerk is *ex officio* Clerk of the Board of Supervisors. The records and minutes of the Board shall be signed by the Chairman and Clerk.

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## CHAPTER 6.

### CLERK OF THE BOARD.

SECTION 18. The Clerk of the Board shall:

- 1—Record all the proceedings of the Board;
- 2—Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the County;
- 3—Record the vote of each member on any question upon which there is a division, or at the request of any member present;
- 4—Immediately after adjournment of each meeting of the Board, certify all demands allowed and orders made for the payment of money, giving the amount and date of each demand, or order, and the date of the allowance thereof, which demands, or orders shall be countersigned by the Chairman of

the Board, and thereafter the Clerk shall deliver the same to the Auditor;

5—File and preserve the reports of the County Treasurer of the receipts and disbursements of the County;

6—Preserve and file a memorandum of all accounts acted upon by the Board;

7—Authenticate with his signature and seal of the Board, the proceedings of the Board whenever the same shall be ordered published;

8—Record all orders levying taxes;

9—Perform all other duties required by law, or any rule or order of the Board.

SECTION 19. The Board shall cause to be kept:

1—A "Minute Book" in which shall be entered the daily proceedings had at all regular and special meetings, and all orders and decisions made by the Board;

2—An "Allowance Book" in which shall be recorded all orders for the allowance of money from the County Treasury, to whom made, and on what account, dating, numbering and indexing the same;

3—A "Road Book," containing all proceedings and adjudications relating to the establishment, maintenance, change and discontinuance of roads and road districts;

4—A "Warrant Book," to be kept by the County Auditor, in which shall be entered, in the order of drawing, all warrants drawn on the Treasury, with their number, and reference to the order on the Minute Book, with the date, amount, on what account and the name of the payee;

5—All other books required by law to be kept for the proper recording of all matters of public business.



## CHAPTER 7.

## MEETINGS OF BOARD.

SECTION 20. Meetings of the Board for the transaction of business shall be held on the first Tuesday in each month, to continue in session for as many days as public business may require. A special meeting may be ordered by a majority of the Board. The order shall be signed by the members calling such meeting, and be entered in the minutes. Five days' notice of such meeting shall be given by the Clerk, personally or by mail, to the members not joining in the order. The order shall specify the business to be transacted at such special meeting and none other shall be transacted; *provided, however,* notice in regard to such special meeting may be dispensed with if the order therein be signed by all members of the Board, and if the order therein direct that such meeting be held without such notice.

SECTION 21. All meetings of the Board shall be public and the books, records and accounts of the Board shall be kept at the office of the Clerk, open at all times for public inspection.

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CHAPTER 8.

## GENERAL PERMANENT POWERS AND DUTIES OF THE BOARD OF SUPERVISORS.

SECTION 22. The Board of Supervisors shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

1—To supervise the official conduct of all County officers, and officers of all districts and other sub-divisions of the County charged with the assessing, collecting, safe-keeping, management or disbursement of money; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

2—To lay out, maintain, control, construct, repair and manage public roads, ferries and bridges within the County, unless otherwise provided by law; *provided, however*, that where the cost of construction or repair of any bridge built under the provisions of this sub-division exceeds the sum of Five Hundred Dollars, they shall cause to be prepared, and shall adopt plans and specifications, strain sheets and working details, and advertise for bids for the construction of such bridge, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and the Board shall award the contract to the lowest responsible bidder, and the plans and specifications shall be attached to and become a part of the contract; the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said Board for the faithful performance of such contract; *provided*, that if after the submission of the bids as herein provided, the Board of Supervisors shall be advised by the County Surveyor that the work can be done for a sum less than bid by any responsible bidder, it shall then be their privilege to reject all bids, and to order the work done or the structures built by day's work, under the supervision and control of the Surveyor; *provided further*, that the Surveyor in such cases shall be held personally responsible, under his official bond, to construct said bridge or structure, according to the adopted plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; *provided further*, that the Road Supervisors in their respective districts shall employ all labor required and direct the conduct of work of any kind, upon any and all public roads; *provided further*, that in cases of great emergency, by unanimous consent of the whole Board, it may proceed at once to replace or repair any and all bridges and structures without notice.

3—To construct or lease, officer or maintain, hospitals or otherwise, in their discretion, provide for the care and maintenance of the indigent sick of the County, and for such purposes to levy the necessary taxes. The Board of Supervisors shall appoint some suitable person to take care of and main-

tain such hospitals, and appoint some suitable graduate or graduates in medicine to attend such indigent sick, and the patients in such hospitals. The Board shall not let the care, maintenance or attendance of such indigent sick by contract to the lowest bidder.

4—To purchase, receive by donation, or to lease, any real or personal property or water rights necessary for the use of the County; and to purchase or otherwise acquire necessary real estate upon which to sink wells to obtain water for sprinkling roads and other County purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property shall be made unless a notice of the intention of the Board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing a time when the Board will meet to consummate such purchase, shall be published in some newspaper published in the County; or if none be published in the County, then until such notice shall have been posted at least three weeks prior to the time when the Board meets to consummate such purchase, in three public places in said County.

5—To cause to be erected or rebuilt, or furnished, a court-house, jail, hospital, and such other public buildings as may be necessary, or to provide suitable buildings for such purposes. No buildings shall be erected or constructed until plans and specifications have been made therefor, and adopted by the Board.

All buildings shall be made by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such County for at least thirty days. In case there is no newspaper published in such County, then such notice shall be given by posting in three public places.

6—To sell at public auction at the Court-House door, or at such other place within the County as the Board may, by a

four-fifths or six-sevenths vote order, as the case may be, after thirty days' notice given either by publication in a newspaper published in the County, or by posting in five public places in the County, and convey to the highest bidder for cash, any property belonging to the County not required for public use, paying the proceeds into the County Treasury for the use of the County; *provided*, that property which, in the unanimous judgment of the Board, does not exceed One Hundred Dollars in value may be sold in private sale without advertising by any member of the Board, empowered for that purpose, by a majority of the Board.

7—To examine and audit at least every six months, the accounts of all officers having the care, management, collection or disbursement of moneys belonging to the County, or moneys received or disbursed by them under authority of law;

8—To examine, settle, and allow all accounts legally chargeable against the County, except salaries of officers, and demands authorized by law to be allowed by some other person, or tribunal, and to order warrants to be drawn on the County Treasurer therefor;

9—To levy taxes upon the taxable property of the County for all County purposes, and also upon the taxable property of any district for necessary construction and repair of roads and highways and other district purposes, in such manner as provided by law;

10—To maintain, regulate and govern public grounds, fix the limits within which animals shall not run at large, and appoint pound keepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source;

11—To equalize assessments, under regulations provided by law;

12—To direct and control the prosecution and defense of all suits to which the County is a party, and by a four-fifths or six-sevenths vote, as the case may be, of all the members

elected, to employ counsel to assist the District Attorney in conducting the same;

13—To insure County buildings in the name and for the benefit of the Territory;

14—To establish and fix all salaries, and establish such other funds as they may deem necessary for the proper transaction of the business of the County, and to transfer moneys from one fund to another as the public interest may require;

15—To fill by appointment all vacancies that occur in any office filled by the Board of Supervisors and elective County or District officers, except that of Supervisor, the appointee to hold office for the unexpired term or until the next general election;

16—They may appoint a Health officer approved by the Territorial Board of Health whose duty it shall be to enforce all orders of the Board of Supervisors approved by the Territorial Board of Health, pertaining to quarantine and sanitary matters, and all orders, quarantine regulations and rules prescribed by the Territorial Board of Health, and all statutes relating to vital statistics. He shall give to the duties of his office such time and attention as may be necessary to secure supervision of all matters pertaining to the health and sanitary condition of the County. He shall be a graduate of a medical college of good standing and repute, and licensed to practice medicine under the laws of the Territory, and shall hold office for a term of one year, at a salary to be fixed by the Board of Supervisors;

The Board of Supervisors shall adopt all orders made or recommended by the Territorial Board of Health for the preservation of the public health of the County, and provide for the payment of all expense incurred in enforcing such orders.

For any unincorporated town or city, when public necessity requires, the Board of Supervisors may appoint special health officers who shall, under the supervision of the County Health officer, exercise all necessary diligence in executing the rules and regulations of the Board of Supervisors or the Territorial Board of Health, relating to health and sanitary

matters. His term of office and compensation shall be fixed by the Board of Supervisors;

17—The Board of Supervisors shall annually advertise for at least ten days in a newspaper in the County, (if there be a newspaper published in the County, otherwise by posting notices in three public places) for sealed bids for furnishing the County with stationery, clothing, bedding, groceries, provisions, drugs, medicines, tools, machinery and all supplies. All bids shall be on a schedule, showing all articles needed in the several offices and departments, prepared by the Clerk of the Board, shall state separately the price of each article, and any person may bid on any article separately. In considering such bids, the Board may accept or reject any or all of them or may accept or reject a part of any such bid, preference being given however to the lowest responsible bidder. All supplies being furnished the County or any officer thereof, shall be furnished at a price no greater than is specified in the bid accepted by the Board.

The Board shall annually fix the price at which the County shall be supplied with job printing and blank books, from a schedule prepared by the Clerk of the Board, showing all blanks and blank books used in the several offices and departments, and also the price of all County advertising; and each County officer shall procure such blank books, job printing and advertising required for the proper discharge of his official duties, such printing and advertising to be done by such person or newspaper as such County officer may designate, at a price no greater than is so fixed, and certify the bill therefor to the Board of Supervisors. A square of advertising shall be two hundred and thirty-four ems nonpareil. No supplies, printing, stationery or books shall be procured of any person or firm whose paper has not been published or whose place of business has not been established in the County for one year or more prior to the time of fixing said prices.

18—The Board shall cause to be published a semi-annual statement of the financial condition of the County showing in details, the expenditures authorized during the preceding

six months; and within ten days after each session of the Board a fair statement of all their proceedings:

19—To make and enforce rules and regulations for its government, the preservation of order, and the transaction of business;

20—To adopt a seal for the Board, a description and impression of which shall be filed in the office of the County Clerk, and the Secretary of the Territory;

21—To provide for the destruction of rats, mongoose and other wild animals, noxious weeds, and insects injurious to fruit or fruit trees or vines or vegetable and plant life;

22—To provide for the working of prisoners confined in the County jail, under conviction of misdemeanor, under the direction of some responsible person or persons, to be appointed by the Sheriff, whose compensation shall be fixed by the Board, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the County;

23—To provide for the burying of the indigent dead;

24—To make and enforce within the limits of the County, all local police, sanitary and other regulations not in conflict with the general laws of the Territory, or rules and regulations of the Territorial Board of Health;

25—To adopt such rules and regulations within the County with regard to the keeping and storing of gun powder, Hercules powder, giant powder, kerosene or coal oil, benzoin, naphtha or other explosive or combustible material, as the safety and protection of the lives and property of individuals may require;

26—To make regulations for the construction, alteration, repair and control of all public roads in the County, unless otherwise provided by law;

27—To encourage, under such regulations as the Board may adopt, the planting and preservation of shade and ornamental

trees in public roads, and on and about the public grounds and buildings;

28—To do and perform all other acts and things, required by law not in this Act enumerated, which may be necessary to the full discharge of its duties relative to County Government.

SECTION 23. The Board shall have power to direct the Sheriff to attend in person, or by deputy, all meetings of the Board, to preserve order, serve notices, subpoenas, citations, or other process.

SECTION 24. Whenever the Board shall deem it important to examine any person as a witness upon any subject or matter within the jurisdiction of such Board, or to examine any officer of the County in relation to the discharge of his official duties, on the receipt or disposition by him of any moneys, or concerning the possession or disbursement by him of any property belonging to the County, or to use, inspect, or examine any books, account, voucher or document in the possession of such officer or other person, or under his control relating to the affairs or interests of such County, the Chairman of the Board may issue a subpoena, commanding such person or officer to appear before the Board, at a time and place therein specified, to be examined, as a witness, and such subpoena may require such person or officer to produce on such examination all books, papers and documents in his possession or under his control relating to the affairs or interests of the county.

SECTION 25. It shall be the duty of the Sheriff of the County to whom the subpoena is delivered, personally or by deputy, to serve the same by reading it to the person named therein, and at the same time to deliver him a copy thereof; and his official return thereon, of the time and place of such service, shall be *prima facie* evidence thereof.

SECTION 26. Whenever the Board shall appoint any of its members a committee upon any subject or matter of which the Board has jurisdiction, and shall confer upon such com-



mittee power to send for persons and papers, the chairman of such committee shall have all the powers and perform all the duties herein imposed upon the chairman of the Board.

SECTION 27. Whenever any person duly subpoenaed to appear and give evidence, or to produce books and papers, shall neglect or refuse to appear, or to produce such books and papers, as required by such subpoena, or shall refuse to testify before such Board or committee, or to answer any question which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the chairman of the Board, or of the committee, as the case may be, to report the fact to the Judge of the Circuit Court of the County, who shall thereupon issue an attachment directed to the Sheriff of the County commanding the Sheriff to attach such person, and forthwith bring him before the Judge by whose order such attachment was issued.

SECTION 28. On the return of the attachment and the production of the body of the defendant, the Judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in case of a witness subpoenaed to appear and give evidence on a trial of a cause before a Circuit Court.

SECTION 29. Witnesses summoned to testify on behalf of the County before the Board of Supervisors are not entitled to fees; but the Board shall allow them reasonable expenses of attendance.

SECTION 30. The Board shall not, for any purpose, contract debts or liabilities, which exceed in any fiscal year the income and revenue provided for such year, except as permitted by the Organic Act. It shall be the duty of the Auditor, at the commencement of each regular session of the Board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts

of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the Board shall have levied the County tax for the fiscal year, the Auditor's estimates for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting ten per cent. for anticipated delinquencies. It shall not be lawful for the Board, or any committee, officer or Board having power to authorize or contract liabilities against the County, to authorize, allow, contract for, pay or render liable, in the present or future, in any one quarter of the year, any demand or demands against the County or any of the funds thereof, which shall in the aggregate exceed one-fourth part of the amount allowed by law existing at the time of such contract, authorization, allowance, payment or liability, to be expended within the fiscal year of which said quarter is a part.

If at the beginning of any quarter any money remains unexpended in any of the funds set apart for maintaining the government of the County, which might lawfully have been expended the preceding quarter, such unexpended money may be carried forward by order of the Board of Supervisors in any succeeding quarter.

Any allowance contrary to the provisions hereof shall be void, and the Auditor shall not draw his warrant therefor, nor the Treasurer pay the same. When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "Allowance Book," and shall be certified in that order by the Auditor.

SECTION 31. Whenever the Board shall adopt plans and specifications for the erection, alteration, construction or repair of any public building, bridge, or other public structure, such plans and specifications shall not be altered or changed in any manner whereby the cost of such building, bridge or structure shall be increased, except by a four-fifths or six-sevenths vote, as the case may be, of their whole number.

SECTION 32. Whenever the Board shall enter into a contract for the erection, construction, alteration or repair of any public building, bridge or structure, such contract shall not be altered or changed in any manner, unless it shall, by a four-fifths or six-sevenths vote, as the case may be, of its whole number, and with the consent of the contractor, first so order.

And whenever any such change or alteration is so ordered, the particular change or alteration shall be specified, in writing, and the costs thereof agreed upon between the Board and the contractor. In no case shall the Board pay or become liable to pay for any extra work done on, or extra material furnished for such building or structure.

SECTION 33. No County officer shall, except for his own service, present any claim, account, or demand for allowance against the County, or in any way except in the discharge of his official duty, advocate the claim or demand made by any other. Any person may appear before the Board and oppose the allowance of any claim or demand against the County.

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## CHAPTER 9.

### CLAIMS AGAINST COUNTY.

SECTION 34. The Board of Supervisors shall not hear or consider any claim in favor of any public officer, person, corporation, company, or association, against the County, nor create or allow any claim or bill against the County or district fund, unless the same be itemized, giving names, dates and particular services rendered, character of process served, upon whom, distance travelled, where and when, character of work done, number of days engaged, supplies or materials furnished, to whom, and quantity and price paid therefor, duly verified to be correct, and that the amount claimed is justly due, and is presented and filed with the Clerk of the Board within a year after the last item of the account or claim accrued. If the Board do not hear or consider any claim because it is not itemized, they shall cause notice to be given to the claimant or his attorney of that fact, and give time to have the claim itemized and re-verified.

SECTION 35. No account shall be passed upon by the Board unless made out as herein prescribed, and filed with the Clerk three days prior to the time of the meeting of the Board at which it is asked to be allowed.

Such demand shall be made out in form substantially as follows:

Clerk's memoranda No. ....

.....Fund.

Demand of..... for.....  
allowed by the Board of Supervisors.....19....,  
in the sum of \$.....

Attest....., Clerk of the Board.

Demand of .....No.....  
Fund .....Demand on the Treasury of  
the County of....., Territory of Hawaii, for  
the sum of .....Dollars, being for.....

Date	Items	Dollars	Cents
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

\$.....

Expenditures authorized and approved by me,  
.....

Territory of Hawaii }  
County of..... } ss.

The undersigned being duly sworn says: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due this claimant, and that the same is presented within one year after the last item thereon has accrued.

Subscribed and sworn to before me this.....day  
of.....  
.....

County Clerk.

Allowed by the Board of Supervisors,.....  
19....., in the sum of \$.....  
payable out of.....Fund.

Attest.....Clerk of Board of Supervisors.

Countersigned....., Chairman Board of Supervisors.

Warrant No.....

Allowed....., 19...., for the sum of  
\$....., payable out of.....Fund.

.....  
County Auditor.

No....., Registered..... 19....

.....  
County Treasurer.

Such demand shall be approved before filing by the officer who directed the expenditure. If such demand be allowed by the Board, the Clerk of the Board shall detach and file the memorandum, and endorse on such demand "Allowed by the Board of Supervisors," together with the date of such allowance, its amount, and from what fund; shall attest the same with his signature and when countersigned by the Chairman, shall transmit the same to the Auditor, who shall, in case he allows the demand, endorse upon it "Allowed," together with the amount for which it is allowed, from what fund, date and number of the warrant, and shall in attestation thereof, affix his signature and deliver the same to the claimant; and the demand, when so allowed and signed by the Auditor, shall constitute the warrant on the treasury, within the meaning of this Act.

SECTION 36. When the Board find that any claim presented is not payable by the County, or is not a proper County charge, it must be rejected; and the rejection shall be plainly endorsed on the claim, if they find it to be a proper County charge, but greater in amount than is justly due, the Board may allow the claim in part, and draw a warrant for the portion allowed, on the claimant filing a receipt in full for his account.

If the claimant is unwilling to receive such amount in full payment, the claim may again be considered at the next regular session of the Board, but not afterward.

SECTION 37. If the Board refuse or neglect to allow or reject a claim or demand for ninety days, after the same is filed with the Clerk, such refusal or neglect may, at the option of the claimant, be deemed equivalent to final action and rejection on the ninetieth day, and a claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, may sue the County therefor at any time within six months after the final action of the Board, but not afterward; and if in such action judgment is recovered for more than the Board allowed, on presentation of a certified copy of the judgment, the Board shall allow and pay the same, together with the costs adjudged; but if no more is recovered than the Board allowed, the Board shall pay the claimant no more than was originally allowed.

SECTION 38. Warrants drawn by order of the Supervisors on the County Treasury for current expenses during each year shall specify the liability for which they are drawn, and when they accrued, and shall be paid in order of presentation to the Treasurer. If the fund is insufficient to pay any warrant, it shall be registered, and thereafter paid in the order of registration.

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## CHAPTER 10.

### MISCELLANEOUS POWERS AND LIMITATIONS.

SECTION 39. No member of the Board shall be interested, directly or indirectly, in any property purchased for use of the County, nor in any purchase, lease or sale of property belonging to the County, or in any contract made by the Board or other person on behalf of the County, for the erection of public buildings, the opening or improvement of roads, or the building of bridges, or for any purpose.

SECTION 40. All public notices of proceedings of or before the Board, not otherwise specially provided for, shall be posted at the Court House door, and two other public places in the County.

SECTION 41. The Board shall require the Assessor to report to the Territorial Board of Equalization, annually, a statement of the agricultural and industrial pursuits and products of the County, with such other statistical information as it may direct.

SECTION 42. All claims against the County, presented by members of the Board of Supervisors, for per diem or mileage, or other service rendered by them when such per diem, mileage or other service rendered by them are authorized by law to be charged, shall be itemized and verified as other claims, and state that the service was actually rendered, and, before allowance, such claims shall be presented to the District Attorney, who must endorse thereon his opinion as to the legality thereof. If the District Attorney declare the claim, or any part thereof illegal, he shall state specifically wherein it is illegal, and the claim or such part, must then be rejected by said Board.

SECTION 43. The Board shall cause the Auditor to prepare, under its direction, prior to its annual meeting for levying taxes, a statement showing:

1—The indebtedness of the County, funded or floating, (if any), stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof;

2—A concise description of all property owned by the County, with an appropriate estimate of the value thereof, and the amount of cash in the County Treasury and its several funds.

SECTION 44. The Board may provide for the widening, deepening, straightening, removing obstructions from, and otherwise improving all streams within the County, and also protecting the banks and adjacent lands from overflow of such streams, when the same are not declared by law to be, and in fact are not navigable for commercial purposes, the overflow of which interferes with highways; and provide regulations for the use, repair and control thereof; but no regulations of the Board, nor improvements directed, shall in any way interfere with private rights or privileges of riparian owners or others.

Whenever, in the opinion of the Board of Supervisors, the general fund is insufficient to defray the costs of improvements provided for under this Section, they may levy a tax.

SECTION 45. Any Supervisor who, without just cause, refuses or neglects to perform any duty imposed on him by law, or who wilfully violates any law provided for his government as such officer, or fraudulently or corruptly attempts to perform an act as Supervisor, unauthorized by law, shall, in addition to the penalty provided in the Penal Code, forfeit to the County Five Hundred Dollars for every such act, to be recovered on his official bond, and be liable on his official bond to any person injured thereby for all damages sustained.

### TITLE 3.

#### OFFICERS.

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#### CHAPTER 11.

#### QUALIFICATIONS.

SECTION 46. No person shall be eligible to a County or District office unless of the age of twenty-one years, a citizen of the Territory, and an elector of the County or district in which the duties of the office are to be exercised, and a resident therein for three years immediately preceding such election and no person shall hereafter be eligible to the office of District Attorney who shall not have been admitted to practice in the Supreme Court of the Territory of Hawaii.

Before assuming the duties of his office, each officer elected or appointed, shall, before some officer qualified to administer oaths, subscribe the following oath or affirmation to be attached to his certificate of election or appointment:

I solemnly swear (or affirm) in the presence of Almighty God, that I will faithfully support the Constitution and laws of the United States, and the Laws of the Territory of Hawaii, and conscientiously and impartially discharge my duties as an officer of the County of.....Territory of Hawaii.



## CHAPTER 12.

## GENERAL PROVISIONS.

SECTION 47. The County Officers are a Sheriff, who shall be *ex officio* Coroner, a County Clerk who shall be *ex officio* Recorder, an Auditor, Assessor and Tax Collector, a District Attorney, a Treasurer who shall be *ex officio* License Collector, a Surveyor, the members of the Board of Supervisors, and such other officers as may be provided by law.

SECTION 48. The officers of each district are: One or more District Magistrates, one or more Deputy Sheriffs, Road Supervisor, and such subordinate officers as shall be provided by law. The provisions of this Section shall not affect the tenure of office of the present District Magistrates.

SECTION 49. Any Assessor, Tax Collector or Sheriff may, with the approval of the Board, appoint deputies to aid in the performance of the duties of his office. Such appointments shall be in writing, and filed in the office of the County Clerk, and until so made and filed, and such deputy shall have taken the oath of office, no one shall act as deputy. The deputies shall have the same powers as their principals, and wherever by law any act is required to be performed by any officer, it shall be valid if performed by a deputy duly appointed.

SECTION 50. The Sheriff may, with the approval of the Board appoint in each District as many policemen as shall be necessary. The powers and duties of such policemen shall be as now provided by law for policemen; and their compensation shall be fixed by the Board of Supervisors.

SECTION 51. Whenever notice is required by law to be published in a newspaper by any County Officer, the person for whom the notice is to be given shall pay to such officer, if required, the fees for such publication in advance. Any failure by any officer to publish any notice required by law pertaining to the duties of his office shall be a misdemeanor.

**SECTION 52.** All County officers, except as otherwise herein provided, shall be elected at the general election and take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election. All officers elected under the provisions of this Act shall hold office for two years and until their successors are elected or appointed and qualified. District Magistrates shall be appointed by the Board of Supervisors, and hold office for two years.

**SECTION 53.** The official name of any officer when used in any law conferring power, or imposing duties or liabilities, shall include deputies of such officer.

**SECTION 54.** All County officers shall have their offices at the County Seat, and the Sheriff, Clerk, Recorder, Auditor, Treasurer, and District Attorney shall keep their offices open for business from 9 o'clock A. M. until 4 o'clock P. M., non-judicial days excepted; *provided, however,* that deputies may have offices at places other than the County Seat.

The salaries of the several County Officers shall be as follows:

Sheriff of the County of Oahu,	\$3,000 a year
“ “ “ “ Maui,	2,000 “
“ “ “ “ East Hawaii,	2,000 “
“ “ “ “ West Hawaii,	1,500 “
“ “ “ “ Kauai,	2,000 “
County Clerk & Recorder County of Oahu,	2,400 “
“ “ “ “ Maui,	1,800 “
“ “ “ “ East Hawaii,	1,800 “
“ “ “ “ West Hawaii,	1,200 “
“ “ “ “ Kauai,	1,500 “
Auditor of County of Oahu,	3,000 “
“ “ “ “ Maui,	2,400 “
“ “ “ “ East Hawaii,	2,400 “
“ “ “ “ West Hawaii,	1,500 “
“ “ “ “ Kauai,	2,000 “
Assessor & Tax Collector County of Oahu,	3,000 “
“ “ “ “ Maui,	2,000 “
“ “ “ “ East Hawaii,	2,000 “

Assessor & Tax Collector County of West Hawaii,	\$1,500 a year
“ “ “ “ “ “ Kauai,	1,800 “
District Attorney of County of Oahu,	3,000 “
“ “ “ “ “ Maui,	1,800 “
“ “ “ “ “ East Hawaii,	1,800 “
“ “ “ “ “ West Hawaii,	1,200 “
“ “ “ “ “ Kauai,	1,200 “
Treasurer of County of Oahu,	2,400 “
“ “ “ “ Maui,	1,800 “
“ “ “ “ East Hawaii,	1,800 “
“ “ “ “ West Hawaii,	1,200 “
“ “ “ “ Kauai,	1,500 “
Surveyor of the County of Oahu,	600 “
“ “ “ “ Maui,	400 “
“ “ “ “ East Hawaii,	400 “
“ “ “ “ West Hawaii,	200 “
“ “ “ “ Kauai,	300 “

The salary of each County officer shall be paid monthly, and no increase or decrease of salary shall take place during the incumbency of any officer.

SECTION 55. Whenever, except in criminal prosecutions, any special penalty, forfeiture or liability is imposed on any officer, the liability therefor attaches to the official bond of such officer.

SECTION 56. Every officer mentioned in Section 47 and his deputies, and every District Magistrate, may administer and certify oaths.

SECTION 57. No County or District officer shall be absent from the Territory for more than sixty days in any one year, nor at any time, without the consent of the Board of Supervisors of the County, except when on business for the County or the Territory; *provided*, that in case of illness or urgent necessity, the Board of Supervisors may extend the time for the absence of any such officer, not to exceed six months. A violation of the foregoing provision shall vacate the office.

SECTION 58. Sheriffs and Clerks and their deputies are prohibited from practicing law, or acting as attorneys or counsellors at law, in the Counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such, and no County officer, or his deputy, except district attorneys and treasurers, shall be eligible to the office of notary public, or perform the duties of the same.

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## CHAPTER 13.

### BONDS.

SECTION 59. Every County and District Officer shall, before entering upon the duties of his office, furnish a bond to the Territory in the amount required by law, conditioned to faithfully perform all the duties of his office as prescribed by law, safely to keep all moneys which may come into his hands, by virtue of his office; promptly to pay over to the person or persons legally authorized to receive the same, all such moneys, in the manner provided by law, and to deliver over to his successor in office all moneys held by him as such officer. Each officer, and his bondsmen and sureties respectively, shall be responsible for all funds which shall come into his hands by virtue of his office. On each of such bonds there shall be at least two sureties, who may, by the court or officer or Board required to approve the bond, be examined on oath touching their qualifications. No person shall be surety on any such bond unless a resident and freeholder or householder within the Territory, and worth in real or personal property, or both, situate in the Territory, the amount of his undertaking, over and above all sums for which he is liable, exclusive of property exempt from executions and forced sale; *provided, however,* that nothing herein contained shall prevent any officer from giving a bond of a surety company in such manner as may be provided by law.

SECTION 60. The bond of any such officer may be in the following form:



taking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale.

(Signature of Surety)

(Signature of Surety)

Subscribed and sworn to before me this.....day of.....  
A. D. 19.....

(Signature of Officer administering oath)

Approved.

.....

When such bond is given by a surety company, this form with appropriate changes, may be used, and no justification shall be required.

SECTION 61. The Board of Supervisors of the County shall, on or before the first Monday in December succeeding the election or appointment of the following officers, prescribe the amount of official bonds, the amount thereof in no event to be less than the following:

Treasurer, Twenty Thousand Dollars; County Clerk, Five Thousand Dollars; Auditor, Ten Thousand Dollars; Sheriff, Ten Thousand Dollars; Assessor and Tax Collector, Thirty Thousand Dollars; District Attorney, Ten Thousand Dollars; Recorder, Ten Thousand Dollars; Surveyor, Ten Thousand Dollars; District Magistrate, One Thousand Dollars; Road Supervisor, Five Thousand Dollars.

The bond of the Treasurer shall cover his duties as license collector, and for any delinquency as license collector the Treasurer and his bondsmen shall be held responsible.

The amount of bonds of the Treasurer and Assessor and Tax Collector shall not be less than the greatest amount of money shown by the books of the County to have been in the hands of the officer at any one time during the preceding year.

SECTION 62. The amount of the bond of each member of the Board of Supervisors shall be Ten Thousand Dollars.

**SECTION 63.** The bonds of County and District officers, except members of the Board of Supervisors, shall be approved by the Board of Supervisors. The Bonds of the members of the Board of Supervisors shall be approved by a judge of the Circuit Court of the County. All official bonds shall be recorded, filed and kept in the office of the County Clerk, except the bond of the County Clerk, which after being recorded, shall be kept in the office of the County Treasurer.

**SECTION 64.** All County officers appointing deputies and assistants are liable on their official bonds for the acts of such deputies and assistants, and may require bonds from them for their own protection, in the amounts they may see fit. Nothing herein contained shall be construed as requiring police officers to give bonds to the County.

**SECTION 65.** Every official bond of any County or District officer, when not otherwise provided by law, shall be payable to the Territory, and an action shall lie thereon for the use of any party aggrieved, in the name of the people.

**SECTION 66.** If at any time any surety on any official bond shall die, remove from the Territory, become insolvent, or from any other cause cease to possess the qualifications required in this Title, the Board of Supervisors shall require the officer giving such bond to give a new bond, with such sureties as are required in this Title. On failure to give such bond in thirty days from demand, such office shall become vacant.

**SECTION 67.** Any bond with sureties required to be given by any County officer under the provisions hereof, or by any other law of the Territory shall be sufficient when executed by the principal and any corporation doing business in the Territory, under the terms and provisions of an Act of Congress approved August 13, 1894, entitled "An Act relative to recognizances, stipulations, bonds and undertakings, and to allow certain corporations to be accepted as surety thereon," and any officer, board or court authorized to approve any such bond, shall approve the same when satisfied that it has been executed by a corporation authorized to do business in the Territory, under the provision of such Act.

No officer or person having the approval of any bond shall exact that it be furnished by a guarantee company, or by any particular guarantee company.

SECTION 68. When the bond of any County officer shall be furnished by such guarantee or surety company, the premium due such company for furnishing such bond shall be paid out of the public funds of the County.

## CHAPTER 14.

### COUNTY TREASURER.

SECTION 69. The County Treasurer shall:

1—Receive all moneys belonging to the County, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering account therefor as required by law, and perform such duties as are required by law for the collection of licenses;

2—File and keep the certificates of the Auditor delivered to him when moneys are paid into the Treasury;

3—Keep an account of the receipt and expenditure of all such moneys, in books provided for that purpose, in which shall be entered the amount, the time when, from whom, and on what account all disbursements were made by him;

4—So keep his books that the amount received and paid out on account of separate funds or specific appropriations shall be exhibited in separate accounts, and the whole receipts and expenditures shown in one general or cash account;

5—Enter no moneys received for a current year on his account with the County for the previous fiscal year, until after his annual settlement for the previous year has been made with the County Auditor;

6—Disburse County moneys only on County warrants, issued by the County Auditor, except on settlement with the Territory;

7—Disburse moneys in the Treasury on such warrants only which shall be based on orders of the Board of Supervisors, or upon an order of the Circuit Court, or as otherwise provided by law.



SECTION 70. Receive no money into the Treasury unless accompanied by a certificate of the Auditor, as provided in Section 110.

SECTION 71. When any money is paid to the County Treasurer he shall give to the person paying the same a receipt therefor, which shall forthwith be deposited with the County Auditor, who shall charge the Treasurer therewith, and give the person paying the same a receipt.

SECTION 72. When a warrant is presented for payment, if there is money in the Treasury for that purpose, he shall pay the same and write on the face thereof "Paid," the date of payment, and sign his name thereto.

SECTION 73. When any warrant is presented to the Treasurer for payment, and the same is not paid for want of funds, the Treasurer shall endorse thereon "Not paid for want of funds," with the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent. interest per annum.

SECTION 74. When there are sufficient moneys in the Treasury to pay the warrants drawing interest, the Treasurer shall give notice in some newspaper published in the County, or if none is published therein, then by written notice posted upon the Court House door, stating therein that he is ready to pay such warrants. From the first publication or posting of such notice, such warrants cease to draw interest.

SECTION 75. In advertising warrants under the provisions of the preceding Section in any newspaper, the Treasurer shall not publish the warrants in detail, but give notice only that County Warrants presented for payment prior to such date stated in the notice, are payable. When a part only of the warrants presented for payment on the same day are payable, the Treasurer shall designate such payable warrants in the advertisement.

SECTION 76. Warrants drawn on the Treasury, and properly attested, are entitled to preference as to payment out of

moneys in the Treasury properly applicable to such warrants, according to the order in which they were presented. The time of presenting such warrants shall be noted by the Treasurer, and upon receipt of moneys into the Treasury not appropriated, he shall set apart the same, or so much thereof as is necessary for the payment of such warrants.

SECTION 77. If such warrants shall not be again presented for payment within sixty days from the time the notice herebefore provided for is given, the fund set aside for the payment of the same must be by the Treasurer applied to the payment of unpaid warrants next in order of registry. The Board of Supervisors may, on application and presentation of warrants properly endorsed, which have been advertised, pass an order directing the Treasurer to pay them out of any money in the Treasury not otherwise appropriated.

SECTION 78. When the Treasurer pays any warrant upon which interest is due, he shall note on the warrant the amount of interest paid thereon, and enter on his account the amount of such interest, distinct from the principal.

SECTION 79. The Treasurer shall settle his accounts relating to the collection, care and disbursement of public money with the Auditor, on the first Monday of each month. For the purpose of such settlement, he shall make a statement, under oath, of the amount of money received prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements, and to whom, with the amount remaining on hand. He shall in such settlements, deposit all warrants redeemed by him, and take the Auditor's receipt therefor. He shall also make a full settlement of all accounts with the Auditor, annually, on the first Monday of January in the presence of the Supervisors.

SECTION 80. The County Treasurer shall make a detailed report at every regular meeting of the Board of Supervisors of the County, of all moneys received by him, and the disbursements thereof, and of all debts due to and from the County, and all other proceedings in his office, so that the receipts in the Treasury and the amount of disbursements,

together with the debts due to and from the County, may distinctly appear.

SECTION 81. If any County Treasurer neglect or refuse to settle or report, as required in Sections 79 and 80, he shall forfeit and pay to the County the sum of Five Hundred Dollars for every such neglect or refusal, and the Board of Supervisors shall institute suits for the recovery thereof.

SECTION 82. If the District Attorney refuse or neglect to account for and pay over money received by him, by virtue of his office, he shall be liable for such refusal or neglect upon his official bond, and the County Treasurer shall bring an action against him for the recovery thereof, in the name of the County, and recover in such action, in addition to the amount so received, fifty per cent. thereon by way of damages. No order of the Board of Supervisors shall be necessary to bring such action. His reasonable expenses, including an attorney's fee, shall be a County charge.

SECTION 83. The Treasurer, upon receiving from the Coroner, or District Magistrate acting as Coroner, money found on a dead body, shall place it to the credit of the County; on receiving other property in like manner, he shall, within thirty days, sell it at public auction, upon reasonable public notice, and must in like manner place the proceeds to the credit of the County. All such moneys shall be kept in a separate fund.

SECTION 84. If the money in the Treasury is demanded within two years, by the legal representatives of the decedent, the Treasurer shall pay it to them, after deducting the fees and expenses of the Coroner, and of the County, in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the Board of Supervisors.

SECTION 85. The County Treasurer shall keep all moneys received by him belonging to the Territory, or to any other County, in his own possession until disbursed according to law. He shall not place the same in the possession of any person, for any purpose; nor loan or in any manner use or

permit any person to use the same, except as provided by law, but nothing in this Section shall preclude him with the approval of the Board from making special deposits for the safe keeping of public moneys; but he shall be liable therefor on his official bond.

SECTION 86. Whenever an action for official misconduct is commenced against any County Treasurer, the Board of Supervisors may, in its discretion, suspend him from office until such action is determined, and may appoint some person to fill the vacancy, who shall qualify and give such bond as may be required by the Board.

SECTION 87. In the case of the death of any County Treasurer, his legal representative shall deliver to the person appointed to fill the vacancy occasioned by such death, all official moneys, books, accounts, papers and documents which come into their possession.

SECTION 88. The books, accounts, and vouchers of the Treasurer shall be at all times subject to the inspection and examination of the Board of Supervisors and Grand Jury.

SECTION 89. The Treasurer shall permit the Chairman of the Board of Supervisors, District Attorney, and Auditor to examine his books and count the money in the Treasury whenever they may wish to do so.

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## CHAPTER 15.

### SHERIFF.

SECTION 90. The Sheriff shall:

- 1—Preserve public peace;
- 2—Arrest and take before the nearest qualified Magistrate for examination all persons who attempt to commit, or who have committed a public offence, and shall prosecute the same under the direction of the District Attorney;

3—To prevent and suppress affrays, breaches of peace, riots and insurrections;

4—Attend all Circuit Courts held within the County, and obey all lawful orders and directions of all courts held within the County;

5—Command the aid of as many male inhabitants of the County as he may think necessary in the execution of his duties;

6—Take charge of and keep the County Jail, and prisoners therein;

7—Release on the record all attachments of real property released or discharged;

8—Endorse upon all processes and notices the year, month, day, hour and minute of reception, and issue therefor to the person delivering the same on payment of fees, a certificate showing the name of the parties, title of paper and time when received;

9—Serve all processes and notices in the manner prescribed by law;

10—Certify, under his hand, upon every process or notice, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay;

11—The Sheriff shall be *ex officio* County Coroner.

SECTION 91. When a process or notice is returnable to another County, he may enclose such process or notice in an envelope, addressed to the office from which the same emanated and deposit it in the post office, pre-paying postage.

SECTION 92. The return of the Sheriff upon process or notice is *prima facie* evidence of the facts in such return stated.

SECTION 93. If a Sheriff does not return a process or notice in his possession, with the necessary endorsement thereon without delay, he is liable to the party aggrieved for the sum

of Two Hundred Dollars, and for all damages sustained by him.

SECTION 94. If a Sheriff to whom a writ of execution is delivered neglects or refuses, after being required by the creditor or his attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ, which is liable to be levied upon and sold, he is liable to the creditor for the value of such property.

SECTION 95. If he neglects or refuses to pay over on demand to the person entitled thereto any money which may come into his hands by virtue of his office (after deducting all legal fees) the amount thereof, with twenty-five per cent. damages, and interest at the rate of ten per cent. per month, from the time of demand, may be recovered by such person.

SECTION 96. A Sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows:

1—When the arrest is upon an order to hold the bail, or upon a surrender in exoneration of bail before judgment, he is liable to the plaintiff as bail;

2—When the arrest is on an execution or commitment to enforce the payment of money, he is liable for the amount expressed in the execution or commitment;

3—When the arrest is on an execution or commitment other than to enforce the payment of money, he is liable for the actual damages sustained;

4—Upon being sued for damages for an escape or rescue, he may introduce evidence in mitigation and exculpation.

SECTION 97. He is liable for the rescue of a person arrested in a civil action, equally as for an escape.

SECTION 98. An action cannot be maintained against the Sheriff for a rescue, or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape,

and before the commencement of the action, the prisoner returns to the jail, or is retaken by the Sheriff.

SECTION 99. No direction or authority by a party or his attorneys to a Sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, is available to discharge or excuse the Sheriff from a liability for neglect or misconduct unless in writing, signed by the attorney of the party, or by the party, if he has no attorney.

SECTION 100. When the Sheriff is committed, under an execution or commitment, for not paying over money received by him by virtue of his office, and remains committed for sixty days, his office is vacant.

SECTION 101. A Sheriff or other ministerial officer is justified in the execution of, and shall execute, all processes and orders regular on their face, and issued by competent authority whatever may be the defect in the proceedings upon which they were issued.

SECTION 102. The officer executing process shall then, and at all times subsequent, so long as he retains it, upon request, show the same with all papers attached, to any person interested therein.

SECTION 103. The Sheriff in attendance upon Court shall act as the crier thereof, call the parties and witnesses, and all other persons bound to appear at the Court, and make proclamations of the opening and adjournment of the Court, and of any other matter under its direction.

SECTION 104. Service of a paper, other than process, upon the Sheriff may be made by delivering it to him or to one of his deputies, or to a person in charge of the office during office hours; or if no such person be there, by leaving it in a conspicuous place in the office. When any process remains with the Sheriff unexecuted in whole or in part at the time of his death, resignation of office, or at the expiration of his term of office, the process shall be executed by his successor in office; and when the Sheriff sells real estate, under an execu-

tion or order of court, he or his successor in office shall execute and deliver to the purchaser all such deeds and conveyances as are required by law and necessary for the purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the Sheriff who made the sale.

SECTION 105. When the Sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the Sheriff to execute, shall be executed by a deputy Sheriff or by the Treasurer of the County; *provided*, when any action is begun against the Sheriff, all process and orders may be served by any person, a citizen of the United States, of the age of eighteen years, appointed by the Court or Judge.

SECTION 106. Process or orders in any action or proceeding may be executed by a person residing in the County, designated by the Court, or the Judge thereof, and denominated an elisor in the following cases:

- 1--When the Sheriff and Coroner are both parties;
- 2--When either of these officers is a party, and the process is against the other; and

When either of these officers is a party, and there is a vacancy in the office of the other, or when it appears by affidavit, to the satisfaction of the Court in which the proceeding is pending, or the Judge thereof, that both of these officers are disqualified, or by reason of bias, prejudice or other cause, would not act promptly or impartially. When process is delivered to an elisor, he shall execute and return it in the same manner as the Sheriff is required to execute similar process. Whenever process is executed, or any act performed by coroner or elisor, in the cases provided by law, such coroner or elisor shall be entitled to a reasonable compensation to be fixed by the Court, to be paid by the plaintiff in the case of summoning jurors, and by the person or parties requiring the service in all other cases of private action. If rendered at the instance of the people, it shall be audited and paid as a County charge.



SECTION 107. The Sheriff shall perform such other duties as are required by law.

## CHAPTER 16.

### COUNTY AUDITOR.

SECTION 108. The Auditor shall issue warrants as provided in Section 35 on the County Treasurer, in favor of persons entitled thereto in payment of claims and demands chargeable against the County, which have been legally examined, allowed and ordered paid by the Board of Supervisors. The Auditor shall also issue warrants on the County Treasurer for all debts and demands against the County, when the amounts are fixed by law, or authorized by law to be allowed by some person or tribunal other than the Board of Supervisors.

SECTION 109. All warrants shall distinctly specify the liability for which they are drawn, and when it accrued.

SECTION 110. The Auditor shall examine and settle the accounts of all persons, or officers indebted to the County or holding moneys payable into the County Treasury, certify the amount to the Treasurer and upon the presentation and filing of the Treasurer's receipt therefor, give to such persons a discharge, and charge the Treasurer with the amount received by him.

SECTION 111. The Auditor shall keep accounts current with the Treasurer, and when any person deposits with the Auditor any receipt of the Treasurer for any money paid into the Treasury, the Auditor shall file such receipt, and charge the Treasurer with the amount thereof.

SECTION 112. All warrants issued by the Auditor during each year, commencing with the first Monday after the first day of January, shall be numbered consecutively, the number, date and amount of each, the name of the person to whom payable and the purpose for which drawn, stated thereon; and they shall, at the time they are issued, be registered by him, and such warrants, if uncalled for, for two years, shall be cancelled.

SECTION 113. The Auditor shall, between the first and tenth day of each month, examine the books of the Treasurer, and see that the same have been correctly kept.

SECTION 114. The Chairman of the Board of Supervisors, District Attorney and Auditor shall at least once in each month count the money in the County Treasury, and make and verify in duplicate, statements showing:

- 1—The amount of money that ought to be in the Treasury;
- 2—The amount and kind of money actually therein;

SECTION 115. They shall file one of the statements in the office of the County Clerk, and the Auditor shall post and maintain the other in his office for at least one month thereafter.

SECTION 116. The Auditor and Treasurer of the County must, on the first Monday in February, May, August and November, and at such other times as the Board of Supervisors may require, make a joint statement to the Board of Supervisors, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the County Treasury; the funds among which the same were distributed, and the amount to each; the total amount of warrants drawn and paid, and on what fund; the total amounts of warrants drawn and unpaid, the accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid; and, generally make a full and specific showing of the financial condition of the County. The Auditor shall prepare and submit to the Board of Supervisors each year a statistical report showing in compendious form all financial transactions of the County, exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution, court and road district, and classify the principal items of income and expenditure according to a plan to be approved by the Board of Supervisors, and the Board of Supervisors shall publish the same.

SECTION 117. It shall be the duty of the Auditor of the Territory to confer from time to time with the several County Auditors, relative to books to be kept by County officers and the forms thereof, and to forms of report required to be made, and to institute a uniform system throughout the several Counties of the Territory of keeping the accounts of the Counties. And it shall be the duty of each County Auditor to see that the instructions of said Territorial Auditor in this respect are carried out; and of each County and District officer to keep his books and accounts and make his reports in the form prescribed by said Territorial Auditor.

SECTION 118. The Auditor shall discharge such other duties as are required by law.

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## CHAPTER 17.

### DISTRICT ATTORNEY.

SECTION 119. The District Attorney is the public prosecutor, and he or his deputy shall:

1—Attend the Court, and conduct on behalf of the people all prosecution for public offences;

2—Institute proceedings or direct the Sheriff or deputies to do so before the Magistrates, for the arrest of persons charged with or reasonably suspected of public offences, when he has information that any such offences have been committed; and for that purpose, when not engaged in criminal proceedings in the Circuit Court or in civil cases on behalf of the people, attend upon the Magistrates in cases of arrest, and attend before and give advice to the Grand Jury, whenever cases are presented to them for their consideration; *provided however*, that nothing herein contained shall prevent the institution of proceedings before Magistrates and the presentation of the same by the Sheriff or deputy under direction of the Attorney;

3—Draw all indictments, defend all suits brought in the County against the Territory or the County wherever brought, prosecute all recognizances forfeited in the courts of record,

and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the Territory or the County;

4—Deliver receipts for money or property received in his official capacity, and file duplicates therefor with the County Treasurer;

5—On the first Monday of each month file with the Auditor an account verified with his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the County Treasurer;

6—Give when required, and without fee, his opinion in writing to County officers on matters relating to the duties of their respective offices.

SECTION 120. The District Attorney is the legal adviser of the Board of Supervisors. He shall attend their meetings when required, and attend and oppose all claims and accounts against the County when he deems them unjust and illegal.

SECTION 121. The District Attorney, except for his own service, shall not present any claim, account or demand for allowance against the County, nor in any way advocate the relief asked on any claims or demands made by another.

SECTION 122. The District Attorneys of the several Counties shall be deputies of the Attorney General and removable by him for cause shown to the satisfaction of the Justices of the Supreme Court, who are hereby given jurisdiction to hear any cause presented to them by the Attorney General after notice, on hearing from the District Attorney complained of, to determine whether in their judgment sufficient cause is shown for such removal.

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## CHAPTER 18.

### COUNTY RECORDERS.

SECTION 123. Each County Recorder shall be sworn before one or more of the members of the Board of Supervisors, and under their direction shall give bonds to the County for the faithful discharge of his duty.

SECTION 124. When a County Recorder, upon presentment to the Grand Jury, is found guilty of misconduct in discharging his official duties, or when by reason of infirmity of body or mind he is incapable of rightly discharging the duties of his office, the Board of Supervisors shall upon reasonable notice remove him from office, and may order the books, papers, and other things belonging to the office to be delivered to their clerk or to a new County Recorder when appointed or elected.

SECTION 125. When a County Recorder dies, or is removed, or his term of office expires and deeds and other instruments entered in his office are left unrecorded, or records are left unattested, or deeds or other instruments are recorded but unattested, his successors shall record and attest such unrecorded deeds and instruments conformably to the entry thereof, and shall attest such records, deeds and other instruments remaining unattested, agreeably to the facts and in conformity with the records and books of entry in the office; and all records and certificates so made and attested shall be deemed valid and effectual for the purposes for which they were made.

SECTION 126. Any document or paper certified or attested by any deputy County Recorder shall be admissable as evidence in all courts of the Territory in the same manner and to the same extent as if such document or paper were certified or attested by the County Recorder by whom he was appointed.

SECTION 127. In case of the death or disability of a County Recorder, the deputy County Recorder, if any, or if there is no deputy County Recorder, the person then acting as clerk in the office, shall, until the vacancy is filled or the disability removed, receive and enter all deeds, instruments, and papers in the proper books of the office in the manner provided by law.

SECTION 128. Every deed and other instrument required to be recorded in the registry of deeds shall be recorded in the

Registry of the County where the real estate lies to which such deed or instrument relates.

SECTION 129. Every County Recorder shall keep a book, each page of which shall be divided into twelve columns, with titles or heads in the following form:

Received | From Whom | No. | Grantor | Grantee | Class | Date Delivered | To Whom | Recording Fee | Ack. | Copies | Total

SECTION 130. He shall enter in such book, in the order in which they are received, all deeds and instruments left for record and entitled to be recorded, noting in the first column the day, hour and minutes of reception, and the other particulars in the appropriate columns, and every instrument shall be considered as recorded at the time so noted.

SECTION 131. When an instrument, paper or notice, authorized by law to be recorded, is deposited in the Recorder's Office for record, the Recorder shall endorse upon the same the time when it was received, noting the year, month, day, hour and minute of its reception, the amount of fees for recording, and shall record the same without delay, together with the acknowledgments, proofs and certificates written upon or annexed to the same, with the plats, surveys, schedule and other papers thereto annexed, in the order in which the same were received for record, and shall note at the foot of the record the exact time of its reception.

SECTION 132. Every County Recorder upon payment of his fee shall record upon the pages of the record books, in a fair and legible handwriting or in satisfactory typewriting, or in print, and in continuous successive lines, all instruments which he is required to record; and he shall note on the record, before attesting the same, all erasures and interlineations made therein.

SECTION 133. He shall also endorse upon each instrument, paper or notice, the time when, the book and page in which it is recorded, and thereafter shall deliver it to the party leaving the same for record, or upon his order.

SECTION 134. It shall be the duty of the Recorder, upon

payment or tender of the fees therefor, to take and certify the acknowledgment of all instruments authorized by law to be acknowledged.

SECTION 135. He shall not record any instrument or file any paper or notice, or furnish any copy, or render any service connected with his office, until his fees for the same as prescribed by law, are, if demanded, paid or tendered.

SECTION 136. It shall not be lawful for the Recorder to accept or enter for record and record any deed, instrument, or other paper outside of the office hours as established by the Board of Supervisors.

SECTION 137. The County Recorder shall procure such books for records and indexes as the business of his office requires, but orders for the same must first be obtained from the Board of Supervisors. The books used may contain printed forms of deeds, mortgages and other instruments of general use. He has the custody of and shall keep all books, records, maps and papers deposited in his office.

SECTION 138. He shall note upon the record of any instrument recorded by him the value of any stamp affixed thereto.

SECTION 139. To entitle any conveyance or other instrument to be recorded, it shall be acknowledged by the party or parties executing the same, before the County Recorder or his deputy, or some judge of a court of record, or notary public of the Territory, or before some minister, commissioner, or some notary public or judge of a court of record in any foreign country. But if any party to an instrument executed within the Territory shall die or depart from the Territory without having acknowledged his deed, or shall refuse to acknowledge it, the deed may be entered of record on proof of its execution by a subscribing witness thereto, before any judge of a court of record of the Territory. If all the subscribing witnesses to such conveyance or other instrument shall be dead, or out of the Territory, the same may be proved before any court of record in the Territory, by proving the handwriting of the grantor and any subscribing witness.

SECTION 140. Every conveyance or other instrument, stamped and acknowledged or proved and certified in a lawful manner, by any of the officers before named, may be read in evidence without further proof thereof, and shall be entitled to be recorded.

SECTION 141. The record of an instrument duly recorded, or a transcript thereof, duly certified, may also be read in evidence, with the like force and effect as the original instrument.

Neither the certificate of acknowledgment, nor the proof of any instrument shall be conclusive, but may be rebutted and the force and effect thereof may be contested by any party affected thereby.

If the party contesting the proof of an instrument shall make it appear that such proof was taken upon the oath of an interested or incompetent witness, neither such instrument nor the record thereof shall be received in evidence until established by other competent proof.

SECTION 142. All deeds, leases for a term of more than one year, or other conveyances of real estate within this Territory, shall be recorded in the office of the Recorder in the County in which the land is situate, and every such conveyance not so recorded shall be void as against any subsequent purchaser, in good faith and for a valuable consideration, not having actual notice of such conveyance, of the same real estate or any portion thereof, whose conveyance shall be first duly recorded.

SECTION 143. All mortgages of chattel property, indentures of apprenticeship, articles of marriage settlement, powers of attorney for the transfer of real estate within this Territory, agreements of adoption, shall in order to their validity, be recorded in the office of the Recorder of the County in which the same are required by law to be recorded, in default of which no such instrument shall be binding to the detriment of third parties, or conclusive upon their rights and interests.



SECTION 144. The County Recorder shall, when applied to therefor, furnish an attested copy of an instrument or document recorded in his office, and he shall also give certificates of search or encumbrance or of any fact appearing upon his records, upon being paid his lawful fees.

SECTION 145. It shall not be lawful to enter of record any release of dower in lands or other property, signed by an undivorced wife, without her previous acknowledgment to the County Recorder, or some officer authorized to receive such acknowledgment, apart from her husband, that she had signed such release without compulsion, fear or constraint from her husband.

SECTION 146. No instrument in which there are interlineations, erasures or changes shall be recorded by the County Recorder, unless the same are duly initialed and noted by the officer or officers taking the acknowledgment or acknowledgments to the same.

SECTION 147. It shall not be lawful to record any conveyance or other instrument required by law to be stamped, unless the said conveyance or instrument shall have affixed thereon the stamps required by law.

SECTION 148. He shall record receipts of United States Collectors of Internal Revenue for succession taxes, or other evidences of the payment of said taxes, if the party applying for such record has first made affidavit of the genuineness of such receipt or evidence before a notary public or other person qualified to take acknowledgments to deeds.

SECTION 149. When an assignment, extension, or release of a mortgage of real or personal estate, or a certificate of the taking or surrender of possession for foreclosure under said mortgage, or an affidavit of notice of sale under a power of sale contained in such mortgage, or an execution for possession of the premises conveyed by such mortgage, has been duly recorded in the County or District where the land conveyed by such mortgage lies, if the original mortgage was

not recorded in the same registry, the County Recorder of the County or district in whose office such mortgage was originally recorded, upon having exhibited to him at his registry such assignment, extension, release, certificate, affidavit, or execution shall enter upon the margin of the record of the original mortgage a note of reference to the record of such assignment, extension, release, certificate, affidavit or execution, and shall be entitled to receive therefor the legal fee.

SECTION 150. When a conveyance affecting by way of assignment, release, partial release, discharge or disclaimer, a title created by a sale for payment of a tax or assessment is recorded in a registry of deeds, the County Recorder shall make a note of reference to the record of such conveyance on the margin of the record, if in his registry and referred to in such conveyance of the deed or instrument effecting or evidencing such sale.

SECTION 151. He shall keep two sets of indexes, each divided into columns, with title or heads in one set as follows:

Kind of Instrument.	Grantor.	Grantee.	Date of Instrument.	Situation.
Liber Folio.	Date of Record.	No. of Award,	R. P. or G.	Land District Island.

And in the other set as follows:

Kind of Instrument.	Grantee.	Grantor.	Date of Instrument.	Situation.
Liber Folio.	Date of Record.	No. of Award,	R. P. or G.	Land District Island.

SECTION 152. He shall, within twenty-four hours after a deed or other instrument which he is by law required to record, is left for record, cause the name of each and every grantor, grantee or other party thereto to be entered at length and alphabetically in its appropriate index, and shall also within a reasonable time after such deed or instrument

is recorded, affix to such entry the number of the book and leaf or page where it is recorded.

SECTION 153. When an instrument, by which one person by authority of law transfers or conveys the real or personal estate of another person, is left for record, the County Recorder shall enter in his grantor index book both the name of the person making such transfer and conveyance, and that of the person whose estate is so transferred or conveyed, provided the latter name appears in such instrument. When a return of commissioners appointed to make partition of real estate is left for record, the County Recorder shall enter in both his grantor and grantee indexes the names of all persons whose estates plainly appear to be affected by such return.

SECTION 154. The County Recorder shall, on application, accept and file in the archives of his office, on the payment of a fee of one dollar, any plan of land, but such plan must contain the name of the owner of the land and his address, the maker's name and address, date of survey, scale, the North point, areas, and the names of adjoining owners. All such plans must be on tracing cloth.

SECTION 155. The Board of Supervisors shall within the first six months of each year; or within such further time during the year as they may think proper, cause to be made at the expense of their several Counties, by competent persons, copies of the indexes to the instruments recorded in the registries of deeds during the preceding year, in which copies the grantors and grantees shall respectively be assorted into distinct lists by their respective surnames in alphabetical order, and arranged under such surnames in the order in which the deeds and other instruments to which they refer were left for record. They may also cause the Christian names of the grantors and grantees, as well as their surnames, to be arranged in alphabetical order in such lists, when in their opinion reference to the records will be facilitated thereby. Such copies shall in other respects be in the form required for the indexes to the records.

SECTION 156. When the Board of Supervisors deem it expedient they may cause copies of the indexes or new indexes to the records existing in the registries in their respective Counties, or any part thereof, to be made by some competent person at the charge of their respective Counties, upon such plan and in such manner as will in their judgment best facilitate reference to the records; and they may cause such copies of indexes or new indexes to be printed at the charge of their respective Counties and to be sold at a price not less than the cost of printing, paper and binding.

SECTION 157. The Board of Supervisors shall provide and maintain fire-proof rooms with suitable alcoves, cases and boxes for the safe-keeping of all records, files, papers and documents belonging to the several registries of deeds; and such records and documents shall be securely kept in the places so provided.

SECTION 158. Every County Recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record who:

(1)—Neglects or refuses to record such instrument, paper or notice within a reasonable time after receiving the same; or

(2)—Records any instrument, paper or notice, wilfully or negligently, untruly or in any other manner than is hereinbefore directed; or

(3)—Neglects or refuses to keep in his office such indexes as are required by this Article, or to make the proper entries therein; or

(4)—Alters, changes or obliterates any records deposited in his office, or inserts any new matter therein, is liable to the party aggrieved for twice the amount of the damage occasioned thereby.

SECTION 159. Every person who takes and carries away any book of record, paper or written document belonging to

the records or files of any registry office or who defaces, alters or mutilates by mark, erasure, cutting or otherwise any such record paper or written document shall forfeit a sum not exceeding Fifty Dollars for each offense; and every person who after demand made by the clerk entitled by law to have possession of books of record and other documents mentioned hereinbefore, wrongfully detains the same, shall forfeit Fifty Dollars.

**SECTION 160.** The Recorder shall record with the record of deeds, grants and transfers all certified copies presented to him, of final judgments or decrees partitioning or affecting the title or possession of real property, any part of which is situate in the County of which he is recorder.

**SECTION 161.** Every such certified copy of partition, from the time of filing the same with the Recorder for record, imparts notice to all persons of the contents thereof; and subsequent purchasers, mortgagees and lienholders, purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant or transfer.

**SECTION 162.** All books of record, maps, charts, surveys and other papers on file in the Recorder's office shall during office hours be open for inspection by any person, without charge; and the Recorder shall be provided with proper facilities by the Board of Supervisors to the end that the books of record and indexes in his office shall be arranged in suitable places to facilitate inspection.

**SECTION 163. Fees.** Each County Recorder shall be entitled to demand and receive the following fees, which shall be paid into the County Treasury as a County Realization, viz:

1—For the registry of any deed, lease, mortgage or other instrument required by law to be recorded, or presented for record, thirty cents for each one hundred words or part thereof;

2—For taking any acknowledgment preparatory to registry one dollar for each party signing;

3—For every copy of any instrument recorded in his office, authenticated by his seal of office, thirty cents for each one hundred words or part thereof;

4—For searching the records and giving the certificate required by law, fifty cents for each year searched, or part thereof.

## CHAPTER 19.

### COUNTY SURVEYOR.

SECTION 164. The County Surveyor shall be a competent land surveyor of the Territory, and shall make any survey that may be required by order of the Court or of the Board of Supervisors, keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and calculations of each survey, and endorse thereon its proper number; a copy of the same and a fair and accurate plat, together with a certificate of survey, shall, upon application, be furnished by him to any person, upon payment of the fees allowed by law.

SECTION 165. Any person owning or claiming lands which are divided by County lines, and wishing to have the same surveyed, may apply to the Surveyor of the County in which any part of such land is situated, and on such application being made, the Surveyor shall make the survey, which is as valid as though the lands were situated entirely within the County.

SECTION 166. When land, the title to which is in dispute before any Court, is divided by a County line, the Court making an order of survey, may direct the order to the surveyor of any County in which any part of the land is situated.

In all surveys, the courses shall be expressed according to the true meridian and the variation of the magnetic meridian from the true meridian shall be expressed on the plat, with the date of the survey.

SECTION 167. Each County Surveyor shall, when required, aid and assist the Territorial Surveyor in making surveys within the County. When the County Surveyor is interested in any land, the title to which is in dispute and a survey thereof is necessary, the Court shall direct the surveys to be made by some disinterested person, and the person so appointed is for that purpose authorized to administer and certify oaths. He shall return such survey, verified by his affidavit, annexed thereto, and receive for his services the same fees as the County Surveyor would be entitled to for similar service.

SECTION 168. The County Surveyor shall copy, plat or trace all maps filed for record in the office of the County Recorder, and shall be *ex officio* deputy County Recorder for such purposes at the cost of the party filing the same for record; *provided, however*, that such maps and plats as are filed and thereby made a record are exempt from the provisions of this Act. The County Surveyor shall plat, trace, blue-print or otherwise make all County road, district, and all other maps, and all assessor's block books, for the County for which he is Surveyor. All such maps which are platted, traced, blue-printed or otherwise made as aforesaid, shall be filed in the County Surveyor's office, together with all data obtained by the County Surveyor from other sources, and the same shall thereafter become the property of the County.

SECTION 169. The County Surveyor shall make surveys of County roads, and perform such other engineering work as the Board of Supervisors may direct. All maps and field notes of surveys shall be filed in the office of the County Surveyor, and the same shall thereafter be and remain the property of the County.

It shall be the duty of the County Surveyor to advise the Board of Supervisors regarding all engineering work, and to perform such engineering work for the County as may be required by the Board.

SECTION 170. The Board of Supervisors shall provide for the use of the County Surveyor a suitable office, office furni-

ture, light and care for the same, office and record books, and other necessary material; also all necessary expenses and transportation on work performed in the fields.

SECTION 171. All of the duties required by the provisions of Chapter 19 of the Civil Laws of 1897, to be performed by the Commissioner of Boundaries, shall be performed by the County Surveyor of the County in which the lands in question are situate.

SECTION 172. The fees provided for by said Chapter to be paid the said Commissioners of Boundaries, shall be paid into the County Treasury.

SECTION 173. All of the duties required by the provisions of Chapter 18 of the Civil Laws of 1897 to be performed by the Commissioners of Fences, shall be performed by the Surveyor of the County in which such fences may be located.

SECTION 174. The fees provided for by said Chapter to be paid the said Commissioners of Fences, shall be paid into the general fund of the County Treasury.

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## CHAPTER 20.

### COUNTY CORONER.

SECTION 175. The Sheriff, who is *ex officio* coroner, shall hold inquests and the Coroner or other officer holding the inquest upon the body of a deceased person may subpoena a chemist to make analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body, to hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause testimony given by the witness to be reduced to writing, under his direction, and may upon the written order of the District Attorney, employ a clerk or stenographer for such purpose, and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness.



SECTION 176. When an inquest is held by the Coroner and no other person takes charge of the body of the deceased, he shall cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses shall be a legal charge against the County.

SECTION 177. It shall be the duty of the Coroner of the County to keep an official register to be labeled "Coroner's Register," in which he shall enter the date of holding all inquests, the name of deceased, when known, and when not, such description of the deceased as may be sufficient for identification; the property found on the person of the deceased, if any; what disposition was made of the same by the Coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

SECTION 178. The Coroner shall, within thirty days after an inquest, deliver to the County Treasurer, or the legal representative of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the Treasurer, showing:

1—The amount of money or other property belonging to the deceased person which has come into his possession since his last statement;

2—The disposition made of such property;

3—If the Coroner or any District Magistrate, acting as coroner, fail to deliver to the Treasurer within thirty days after an inquest, all money and property found upon such body, unless claimed by the legal representative of the decedent, as required by this Section, the District Attorney shall proceed against the Coroner or Magistrate acting as coroner, to recover the same by civil action, in the name of the County.

SECTION 179. If the office of Coroner is vacant or he is absent or unable to attend, the duties of his office may be discharged by any Magistrate.

SECTION 180. In the cases specified in Section 105 of this Act, the Treasurer shall discharge the duties of Sheriff.

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## CHAPTER 21.

### COUNTY CLERK AND RECORDER.

SECTION 181. The County Clerk shall:

1—Take charge of, safely keep or dispose of according to law, all books, papers and records which may be filed in his office;

2—Act as Clerk of the Board of Supervisors;

3—And be the Recorder of the County and discharge all the duties of that office, as provided by Chapter 18 of this Act.

SECTION 182. Keep such other records and perform such other duties as are prescribed by law and perform all the duties pertaining to the office of County Recorder as set forth in Chapter 18 of this Act.

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## CHAPTER 22.

### ASSESSOR AND TAX COLLECTOR.

SECTION 183. The Assessor and Tax Collector shall perform such duties as are required to be performed by the assessors and collectors under the laws of the Territory and by this Act; and such other duties as are required by this Act. The Assessor and Tax Collector shall, once a month, or oftener, if so required, pay all moneys in his hands into the County Treasury, taking the receipt of the Treasurer therefor.

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## CHAPTER 23.

### ROAD SUPERVISOR.

SECTION 184. The Road Supervisor of each District shall perform such duties relative to roads and bridges as are required by law.

## CHAPTER 24.

## DISTRICT MAGISTRATES.

SECTION 185. Every District Magistrate shall, within the District for which he shall have been appointed, have the same jurisdiction to hear and determine cases as district magistrates now have under the laws of the Territory.

He shall collect the same fees as are collected by the District Magistrates under the present laws of the Territory, to be paid into the County Treasury. Appeals from the decisions of any district magistrate appointed under the provisions of this Act, shall be taken in the same manner as appeals are now taken from the decisions of district magistrates.

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TITLE 4.

## TAXATION AND REVENUE.

## CHAPTER 25.

## MODE OF RAISING REVENUE.

SECTION 186. There shall be levied and assessed upon the taxable real and personal property within this Territory in each year, the following taxes:

*First:*—For Territorial Revenue five mills on the dollar, where no rate is directed by the Territorial Board of Equalization before the date in each year when the tax ought to be levied and assessed.

*Second:*—For County revenue for all purposes there shall be levied annually a tax for the Board of Supervisors, of such a number of mills on each dollar of the assessed valuation of the taxable property of the County, as shall, together with the income tax, the poll tax, and the specific tax on personal property and the income from all other sources, raise sufficient revenue for the payment of the expenses of the County for such year, *provided, however*, that until the number of mills on each dollar shall have been enacted as provided in sub-division

3 of this Section at the rate of tax to be assessed by the Board of Supervisors of each County shall not exceed the rate of five (5) mills on the dollar.

*Third*.—It shall be the duty of the next regular session of the Legislature of the Territory to enact a limitation of the number of mills which may be levied by the Territorial Board of Equalization in each year for Territorial purposes, and by the Board of Supervisors in each year for County purposes.

SECTION 187. All laws of the Territory now in force, prescribing what persons shall pay taxes, on what property taxes shall be levied, and what property shall be exempt from taxation; and all laws of the Territory now in force relative to any specific tax, and the amount thereof, from persons, or on personal property, without reference to valuation; and all laws of the Territory now in force relative to the manner of fixing the value of property for the purposes of taxation, except as otherwise provided in this Act, shall for those purposes remain in full force and effect. In determining what person shall pay taxes, what property shall be subject to taxation, what property shall be exempt from taxation, what specific tax shall be exacted from persons, or on designated personal property, without reference to valuation, and the value of all property for the purposes of taxation, the taxation officers of the several counties shall be governed by the said Territorial laws.

SECTION 188. All personal property shall be listed in the County where it may be on the first day of January of the then current year; but if the owner or owners thereof reside out of this Territory, or fail to return his or their property to the Assessor, it shall be listed, assessed and taxed where it then may be.

SECTION 189. Prior to the second Wednesday in December of each year, the Board of Supervisors shall furnish each assessor with suitable assessment schedules, properly ruled out and headed, for the return of all property subject to taxation in the ensuing year. On said Second Wednesday in December of each year the Assessor shall commence the distribution of

such schedules to all tax-payers within his County, and shall, so far as practicable, furnish each tax-payer on the assessment roll for that year, and all other property owners known to him, with such blanks by the first day of January. Such schedule may be in the following form:

190....

**INCOME AND SPECIFIC TAX ASSESSMENT SCHEDULE**

Statement of

(Name).....District of.....County of.....

GROSS INCOME.....during the Year  
preceding January 1st, 190....

How derived.	Amount.
(1) Interest upon Bonds.....	\$......
(2) Interest upon Notes and Securities (not including Bonds).....	.....
(3) Sales of Movable Property of every description . . . . .	.....
(4) Sales of Real Estate (including leaseholds) purchased within two years.....	.....
(5) Dividends on Corporation Stock.....	.....
(6) Money and the Value of other personal property acquired by gift or inheritance.....	.....
(7) Compensation received from Fire Insurance..	.....
(8) Salaries, Fees, and other Compensation for Services . . . . .	.....
(9) Premiums on Bonds, Notes and Coupons....	.....
(10) *Amounts paid or payable, distributed or distributable to shareholders from any fund or account . . . . .	.....
(11) *Amounts carried to the Account of any Fund or used for Construction or enlargement of Plant, and other Expenditures or Investments paid from net Annual Profits.....	.....

(12) All other Income from any source.....	.....
Total Income .....	.....

\*These items apply to corporations and are to be stated unless covered by one of the previous items.

#### SCHEDULE "B"—DEDUCTIONS AND EXEMPTIONS.

Nature.	Amount.
(1) Interest on Government Bonds.....	.....
(2) Interest on existing Indebtedness.....	.....
(3) Amounts expended in the purchase or production of movable property mentioned in Schedule "A" .....	.....
(4) Amounts expended in the purchase of Real Estate (including leaseholds) mentioned in Schedule "A" .....	.....
(5) Dividends on Corporation Stocks received from corporations which have been assessed upon its net profits the tax of two per cent. . . . .	.....
(6) Bequests and Inheritances otherwise taxed as such . . . . .	.....
(7) Actual Losses arising from fire.....	.....
(8) Actual Losses incurred in trade.....	.....
(9) Losses otherwise actually incurred .....	.....
(10) Necessary Expenses actually incurred in carrying on business, trade, profession or occupation, or in managing the property (as the case may be) .....	.....
(11) Taxes and License Fees paid to the Government . . . . .	.....
(12) Exemption of Income of \$1,800 .....	.....
Total . . . . .	.....

SCHEDULE "C"—SPECIAL EXHIBIT OF CORPORATIONS.

Gross receipts from sale made at home and abroad  
and from all kind of business of every name  
and nature .....\$.....

Expenses, exclusive of interest, annuities, dividends  
and permanent improvements.....

Amount paid on account of interest, annuities and  
dividends, stated separately:

Interest . . . . . \$.....

Annuities . . . . .

Dividends . . . . .

Amount expended on permanent improvements....

Actual Amount paid in Salaries of more than \$600  
per annum to each person employed.....

The name of each of such persons and the amount  
actually paid to each, viz:

Name	Amount	Name	Amount
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

INCOME TAX SUMMARY.

Gross Income as per Schedule "A"..... \$.....

Deductions and Exemptions as per Schedule "B".....

Net Income . . . . .

Amount of tax at two per cent.....

AGENT'S RETURN FOR FIRE AND MARINE INSURANCE COMPANIES—SCHEDULE "D"

Name of Insurance Company.	Amount of Premium.
.....	.....
.....	.....
.....	.....
.....	.....
"D" Total . . . . .	.....

**SPECIFIC TAXES.**

	Number.	Rate.	Tax.
Carriages, Wagons, Wagonettes, Hear- ses, Omnibuses used for conveyan- ces of persons . . . . .	—	\$5.00	\$—
Carts, Drays, Wagons, Brakes, or other Vehicles used for convey- ance of freight or merchandise. . . .	—	\$2.00	\$—
Dogs (Male and Female) including Tags	—	\$1.10	\$—

**LIST OF MALE PERSONS IN MY EMPLOY, OR RESIDING WITH ME SUBJECT TO TAXATION.**

Name.	Age.	Nationality.	Name.	Age.	Nationality.
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

I DO SOLEMNLY SWEAR, that the lists herein contained, and the values herein stated, are true and correct to the best of my knowledge, information and belief, so help me God.

.....  
 Subscribed and sworn to before me this ..... day of  
 January, 190....

.....  
 Deputy Assessor.

(Endorsement).

List No. ....

(Blanks below filled at Tax Office).

**INCOME AND SPECIFIC.**

**TAX ASSESSMENT SCHEDULE FOR THE**

District of .....

County of .....

190....



STATEMENT OF

.....  
 Book .....  
 Block .....  
 Received Jan'y. .... 190....  
 .....

Deputy Assessor.

190.... Book..... No....  
 190.... Book..... No....

Notice .....

(N. B..... Do not include growing rice in this list. It is to be assessed May 1st on a separate blank which will be furnished for that purpose.)

190....

PROPERTY TAX ASSESSMENT SCHEDULE.

Statement of Real and Personal Property belonging to, in possession of, or under the control of  
 (Name)..... District of..... County of.....

Real Property.

(The term "Real Property" for the purposes of this Act shall mean and include all lands, and town lots and house-lots with buildings, structures, fences, wharves, improvements and other things erected on or affixed to the same). Sec. 15, Act 51, S. L. 1896.

In describing town property, give No. of R. P. and L. C. A., Location, Area in square feet, Frontage in Linear feet, Class (whether business or residence property), Value of Land, and Value of Improvements separately stated.

In describing Acreage or County Property give No. of R. P. and L. C. A. under which the land is held, Name of Ili and Ahupuaa in which situated, Area, Class (whether Pasture, Rice, Taro, Forest, Irrigated or Unirrigated Cane Land, Etc.), Value of Land and Value of Improvements.

**DESCRIPTION AND SITUATION OF LAND AND IMPROVEMENTS—SCHEDULE “A”**

No. Royal or Land Patent.	No. Com. Award.	Frontage on street in ft.	Area, Sq. Ft. or Acres.	Class.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
Location or Situation.		Value of Land.	Value of Improvements	
.....		.....	.....	
.....		.....	.....	
.....		.....	.....	
Total.....		\$.....	\$.....	

**LESSOR'S RETURN OF REAL PROPERTY LEASED—SCHEDULE “B”**

Return Required: All leases\*\*\*\*\*with the name and residence of the person to whom such leases\*\*\*\*\*are made\*\*\*\*\*.

Sec. 67, Act 51, S. L. 1896.

No. of R. P. or L. P.	No. L.C.A.	Frontage.	Area.	Date of Lease.	Term of Lease.	Annual Rent.
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
Location.		Name of Lessee, or to whom leased.	Value of Lessors' Land.	Interest in Improvements.		
.....		.....	.....	.....		
.....		.....	.....	.....		
.....		.....	.....	.....		
Total.....		\$.....	\$.....			

**Personal Property—Definition of Personal Property.**

The term “Personal Property” for the purposes of this Act shall mean and include all household furniture and effects, jewelry, watches, goods, chattels, wares and merchandise, machinery, ships or vessels, whether at home or abroad; all moneys in hand, leasehold and chattel interest in land and real property, franchises, patents, contracts, growing crops, public stocks and bonds not exempted by law from taxation,

and all animals not herein specifically taxed. Sec. 16, Act 51, S. L. 1896.

LESSEE'S RETURN OF PROPERTY LEASED—SCHEDULE "C."

No. R.P. or L.P.	No. L. C. A.	Area in Acres or square feet.	Date of Term of Annual Lease.	Term of Annual Lease.	Annual Rent.
.....	.....	.....	.....	.....	.....
Location of Property.	Name of Lessor or from whom leased.	Value of Land.	Lessee's Interest in Improvements.	.....	.....
.....	.....	.....	.....	.....	.....
Total.....					\$..... \$.....

ABOVE MENTIONED LEASED PROPERTIES SUB-LEASED AS FOLLOWS:  
SCHEDULE "CC."

No. R.P. or L.P.	No. L. C. A.	Area in Acres or square feet.	Date of Term of Annual Lease.	Term of Annual Lease.	Annual Rent.
.....	.....	.....	.....	.....	.....
Location.	Name of Sub-Lessee or to whom Sub-leased.	Value of Land.	Sub-Lessor's Interest in Improvements.	.....	.....
.....	.....	.....	.....	.....	.....

LIVE STOCK SCHEDULE—SCHEDULE "D."

	Number.	Value per Head.	Value.
Bulls (Hawaiian) .....	.....	.....	.....
Bulls (Imported) .....	.....	.....	.....
Cattle (Herd) .....	.....	.....	.....
Cattle (Working) .....	.....	.....	.....
Cattle (Milch Cows).....	.....	.....	.....
Horses (Native) broken .....	.....	.....	.....
Horses (Foreign) broken .....	.....	.....	.....
Horses (Herd) unbroken .....	.....	.....	.....
Stallions (Native) .....	.....	.....	.....

Stallions (Imported) .....		
Jacks (Imported and Native).....		
Donkeys (Native).....		
Mules (Native) .....		
Mules (Foreign) .....		
Sheep .....		
Pigs .....		
Poultry .....		
“D” Totals .....	\$.....	\$.....

PERSONAL PROPERTY—SCEDULE “E.”

	Value.
Agricultural Implements on hand .....	\$.....
Building Material on hand .....	
Cash in hand .....	
Cash in Agent’s hands .....	
Coal .....	
Tons .....	
Growing Crop of Cane, as per Schedule “H” .....	
Growing Crop of Taro, Bananas & Vegetables, Acres .....	
Goods, Wares and Merchandise, and of what general kind (on hand) .....	
Goods, Wares and Merchandise, and of what general kind consigned to you .....	
Railroads .....	
Miles .....	
Value \$.....	Portable.
Tracks .....	
Miles .....	
Value \$.....	
Rolling Stock .....	
Business Furniture and Fittings (in use) .....	
Household Furniture (in use) .....	
Hides and Skins .....	
Wool, Tons .....	
Value per Ton \$.....	
Jewelry of all kinds for personal use (including Watches) .....	
Sugar Mills, and Machinery (not including Buildings) .....	
Machinery of all kinds in use (other than Sugar) .....	
Sugar or Molasses, in Tanks or Collers .....	
Tons .....	
Gallons .....	
Sugar or Molasses on hand .....	
Tons .....	
Paddy .....	
Tons .....	
Value per Ton \$.....	

Rice.....	Tons.....	Value per Ton \$.....	.....
Ships, Vessels, at home or abroad .....			.....
Yachts and Boats .....			.....
Personal Property of any kind, not included in this Schedule .....			.....
"E" Totals .....			.....
	Summary	Value	Tax.
Total Schedule "A" .....		\$.....	\$.....
Total Schedule "B" .....			
Total Schedule "C" & "CC" .....			
Total Schedule "D" .....			
Total Schedule "E" .....			
Grand Total .....		\$.....	\$.....

Under Section 871, Civil Laws.

**RETURN OF BUSINESS ENTERPRISES--SCHEDULE "F."**

Aggregate Value of the combined Real and Personal Property  
which is the basis of the business enterprise for profit  
known as

(Title) ..... Value \$.....

I DO SOLEMNLY SWEAR that the lists herein contained  
and the values herein stated are true and correct to the best  
of my knowledge, information and belief, so help me God.

Subscribed and sworn to before me this.....  
day of January, 190...

.....  
Deputy Assessor.

List No. ....

Blanks below filled out at Tax Office.

**PROPERTY TAX ASSESSMENT SCHEDULE.**

For the

District of .....

County of .....

190....

STATEMENT OF

.....  
 Book .....  
 Block. ....  
 Received Jan'y ..... 190....

Deputy Assessor.

190.... Book ..... No ....  
 190.... Book ..... No ....

Notice .....

SECTION 190. It shall be the duty of each tax-payer within the County to make return of all property owned by him subject to taxation and of his income, and of any property owned by him subject to specific tax and of all information relative to poll taxes, in January in each year; and failure to receive such assessment schedules shall be no excuse for failure to make such return. If such return be not so made, it shall be the duty of the Assessor to assess the property and fix the amount of income of such tax-payer, according to the best information he has as to the valuation of the property and income of such tax-payer subject to taxation. And in the absence of fraud, no tax-payer failing to make such return shall have the right to appear before the Board of Supervisors concerning such assessment, and shall have no right to appeal.

SECTION 191. The County Assessor shall complete the assessment roll of his County from said returns and from information known to him in the absence of such returns, and shall deliver the same to the County Clerk, by the fourth Monday of March in each year. Attached to the roll shall be a certificate of the Assessor showing what such roll is. Said roll and the certificate attached thereto shall be in such form as may be prescribed by the Auditor of the County.

SECTION 192. Immediately after the assessment roll is corrected by the Board of Equalization, as hereinafter provided, it shall be the duty of the County Clerk of the County to make out one tax list in tabular form and alphabetical order, which said tax list shall contain the names of all persons subject to the Income Tax, subject to Insurance Tax, subject to Poll Tax, and having personal property on which specific taxes are required to be paid. Such list may be in the following form:

Income and Specific Tax List for 190....

Return No.	Name.	Gross Income.	Deduction.	Exemption.	Income.	Net. 2 per 10 Per Ct. Ct. Tax. Penalty.
						9 Per Cent Total Income Interest. Tax.

FOR THE COUNTY OF ..... TERRITORY OF HAWAII.

Insur- ance.	Car- riages.	Carts & Drays.	Dog. Poll.	Road. School.	Total Spe- cific tax.	Penalty 10 pr ct.	Adver- tising Cost.
-----------------	-----------------	-------------------	---------------	------------------	--------------------------	----------------------	---------------------------

Total Value of

Int. at....	Income and Per Cent.	Date of payment. Day. Month. Year.	No. of Receipt.	Delinquent Taxes	Remarks.
-------------	-------------------------	---------------------------------------	--------------------	---------------------	----------

The foregoing blanks may be changed by the Territorial Board of Equalization when deemed desirable.

SECTION 193. An entry is required to be made on the said tax list by the County Clerk in the form of a certificate under seal, showing what it is and for what County and year it is and he shall also attach to this list his warrant under his hand and the official seal of the County and in general terms requiring the Collector to collect the taxes therein levied according to law and no informality in the above requirements shall render any proceeding for the collection of taxes illegal. The Clerk is required to deliver said list or cause the same to be delivered to the Collector of the County on the first Monday of June of each year, and the Collector's receipt shall be taken therefor, and such list shall be full and sufficient authority for the Collector to collect all taxes therein contained.

Such list shall be known as the Specific and Income Tax List.

SECTION 194. The Collector on receiving said tax list or warrant shall proceed immediately to collect taxes therein levied and the list or the warrant thereto attached shall be his authority and justification against any illegality in the proceedings prior to receiving the list. And he is also authorized and required to collect as far as practicable, the tax remaining unpaid on the list of former years; the Collector shall give receipt to each person or corporation for the amount of taxes received from them, specifying therein each kind of tax and when the same was paid. He shall make the proper entries of such payment on the tax list.

SECTION 195. Immediately after the assessment roll is corrected by the Board of Equalization, as hereinafter provided, the County Clerk is required to make out an abstract thereof, in such form as may be prescribed by the Territorial Auditor, which abstract shall show the total valuation of all property, both real and personal, listed in the County, on which taxes other than specific taxes are required by law to be levied. Said abstract shall contain, in separate items, the aggregate valuation of the several classes of property, both real and personal, required to be set forth in said assessment schedule. The County Clerk shall, immediately after the correction of said assessment roll, transmit to the Auditor of the Territory a copy of said abstract; but the Board of Supervisors is authorized to diminish or add to the above list and to require such different and other matters to be returned as it deems advisable.

SECTION 196. On the first Monday of July of each year, the Board of Supervisors shall by an order to be entered of record among their proceedings, levy the requisite taxes for the year, and the same may be levied at any time prior to the first Monday of July, if the statement and notice required by Section 222 has been received from the Territorial Auditor. Immediately after the taxes are levied, the County Clerk shall make out another tax list in tabular form and in alphabetical order, having distinct columns for lands, and for town lots,



and their value, and for the value of personal and other property, and for the carrying out, in a column by itself, the amount of each different tax and having one or more columns for delinquent taxes. Such list shall be known as the "PROPERTY TAX LIST" and may be in the following form:

Property Tax List for.....

Memo.		Situation							
		and kind						Value of	
Page. No.	Name R. P., L. C. A.	of property.	Area	Frontage.	Real Estate.			Value of	
								Personal	
								Property.	

**FOR THE COUNTY OF.....TERRITORY OF HAWAII.**

				Total Tax				
	Total Value			County				
Exemption. of Property.	Territorial Tax.			Tax.		Total Value.		
	at .....	Mills.	at.....	Mills.		of Taxes.		
					Penalty at Advertising			
					10 per cent.	Cost.		
Int. at....	Date of Payment							
Per Cent.	Day.	Month.	Year.	No. of Rec't.	Delinquent	Taxes.	Remarks.	

SECTION 197. An entry is required to be made on such other tax list, by the County Clerk, in the form of a certificate under seal, showing what it is, and for what County and year it is; and he shall also attach to this list his warrant, under his hand and official seal, in general terms requiring the Collector to collect the taxes therein levied according to law; and no informality in the above requirements shall render any proceeding for the collection of taxes illegal. The Clerk is required to deliver such other list, or cause the same to be delivered, to the Collector of the County by the fourth Monday of August in each year, and the collector's receipts shall be taken therefor, and such list shall be full and sufficient authority for the collector to collect all taxes therein contained.

SECTION 198. The Collector, on receiving said tax list and warrant, shall proceed immediately to collect the taxes therein

levied, and the list and warrant thereto attached shall be his authority and justification against any illegality in the proceedings, prior to receiving the list. And he is also authorized and required to collect, as far as practicable, the taxes remaining unpaid on the list of former years; the Collector shall receipt to each person or corporation for the amount of taxes received by him from them, specifying therein each kind of tax, and when the same was paid, and shall make the proper entries of such payment on the tax list.

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## CHAPTER 26.

### INCOME TAX.

SECTION 199. In addition to all other taxes by this Act provided, there shall be annually levied, assessed, collected and paid for annual County revenue purposes upon the gains, profits and income, over and above Eighteen Hundred Dollars, derived by every person residing in the Territory of Hawaii, from all property owned, and every business, trade and profession, employment or vocation carried on in the Territory, by every person residing without the Territory from all property owned, and every business, trade, profession, employment or vocation carried on in the Territory, and by every servant or officer of the Territory, a tax of two per cent. on the amount so derived during the year preceding.

SECTION 200. There shall be levied, assessed, collected and paid annually, except as hereinafter provided, a tax of two per cent. on the net profit or income above actual operating and business expenses, from all property owned, and every business, trade, employment or vocation carried on in any County in the Territory of Hawaii, of all corporations doing business for profit in the Territory, no matter where created and organized; *provided, however*, that nothing herein contained shall apply to corporations, companies, or associations conducted solely for charitable, religious, educational, or scientific purposes, including fraternal beneficiary societies, nor to insur-

ance companies taxed on a percentage of the premiums under the authority of another Act.

SECTION 201. In estimating the gains, profits and income of any person or corporation, there shall be included all income derived from interest upon notes, bonds and other securities, except such bonds of the Territory of Hawaii or of municipalities hereafter created by the Territory, the principal and interest of which are by the law of their issuance exempt from all taxation; profits realized within the year preceding from sales of real estate, including leaseholds purchased within two years, dividends upon the stock of any corporation, the amount of all premiums on bonds, notes or coupons, the amount of sale of all movable property, less the amount expended in the purchase or production of the same, and in the case of a person not including any part thereof consumed directly by him or his family; money and the value of all personal property acquired by gift or inheritance, and all other gains, profits and income derived from any source whatsoever.

SECTION 202. The net profits or income of all corporations shall include the amounts paid or payable to, or distributed or distributable among shareholders from any fund or account or carried to the account of any fund or used for construction, enlargements of plants, or any other expenditure or investment paid from the net annual profits made or acquired by said corporation.

In computing incomes, the necessary expenses actually incurred in carrying on any business, trade, profession or occupation, or in managing any property, shall be deducted, and also all interest paid by such person or corporation on existing indebtedness. And all taxes and license fees paid within the year shall be deducted from the gains, profits or income of the person who or the corporation which has actually paid the same, whether such person or corporation be owner, tenant or mortgagor; also all losses actually sustained during the year incurred in trade or arising from losses by fire not covered by insurance, or losses otherwise actually incurred.

*Provided*, that no deduction shall be made for any amount paid out for new buildings, permanent improvements or betterments made to increase the value of any property or estate.

*Provided, further*, that no deduction shall be made for personal or family expenses, the exemption of Eighteen Hundred Dollars mentioned in Section 199 being in lieu of same.

*Provided, further*, that where allowable herein only one deduction of Eighteen Hundred Dollars shall be made from the aggregate annual income of all the members of one family composed of one or both parents and one or more minor children, or husband and wife; that guardians shall be allowed to make a deduction in favor of each and every ward, except where two or more wards are comprised in one family, in which case the aggregate deduction in their favor shall not exceed Eighteen Hundred Dollars.

*Provided, further*, that in assessing the income of any person or corporation there shall not be included the amount received from any corporation as dividends upon the stock of such corporation if the tax of two per cent. has been assessed upon its net profits by said corporation as required by this Act, nor any bequest or inheritance otherwise taxed as such.

**SECTION 203.** Every corporation doing business for profit in any County of the Territory shall make and render to the Assessor of the County in January of each year, a full return verified by oath or affirmation of its duly empowered officer, in such form as the Auditor of the County may prescribe, of all the following matters for the whole twelve months ending December 31st last preceding the date of such return:

*First:*—The gross receipts of such corporation from sales made at home or abroad, and from all kinds of business of any name or nature conducted in said County;

*Second:*—The expenses of such corporation, exclusive of interest, annuities and dividends in said County;

*Third:*—The amount paid on account of interest, annuities and dividends stated separately;

*Fourth:*—The amount expended on permanent improvements;

*Fifth:*—The amount paid in salaries or compensation of more than Six Hundred Dollars to each person employed, and the name and amount paid to each.

Persons or corporations doing business in two or more counties shall make returns for each County.

SECTION 204. It shall be the duty of all persons of lawful age having an income of Six Hundred Dollars or more for the preceding year from all sources and of all corporations made liable to income tax to make and render a list or return in January of each year, in such form as the Auditor of the County may direct, to the Assessor of the County in which such person or corporation resides, locate or do business of the amount of their or its income, gains and profits as aforesaid in said County; and all guardians, trustees, executors, administrators, agents, receivers, and all corporations or persons acting in a fiduciary capacity, shall make or render a list or return as aforesaid to the Assessor of the County in which such person or corporation acting in a fiduciary capacity resides or does business of the amount of income, gains and profits of any minor or person for whom they act; and the Assessor shall require every list or return to be verified by the oath or affirmation of the person or authorized officer of the corporation making the same.

If any person or corporation refuse or neglect to render such return within the time required as aforesaid, or renders a return which in the opinion of the Board of Supervisors is false and fraudulent, or contains any understatement, it shall be lawful for the Board to summon such person, or any of the officers of such corporation or any person having possession, custody or care of books of accounts containing entries relating to the business of such person or corporation, or any other person it may deem proper, wherever residing or found, to appear before it and produce such books at a time and place named in the summons, and to give testimony or answer interrogations under oath respecting any income liable to tax or the

returns thereof. False, wilful testimony given before such Board shall be deemed perjury and punishable as such.

SECTION 205. It shall be the duty of every person or corporation doing business for profit to keep full, regular and accurate books of accounts upon which all its transactions shall be entered from day to day in regular order, which books shall be open to the inspection of the assessor of the County or any person authorized by the Board of Supervisors to inspect the same, during business hours.

SECTION 206. When any person or corporation having a taxable income refuses or neglects to render any return or list required by law or decline to make oath or affirmation thereto, the Assessor may make such assessments as he may consider just and the same shall be binding and conclusive upon all parties and shall not be subject to appeal. In case of any false or fraudulent return or valuation by any tax-payer, the Board of Supervisors shall add two hundred per cent. to a just valuation of the income of such tax-payer, and the amount of the tax assessed on such increase shall become part of the tax on the said income.

SECTION 207. All taxes assessed under the provisions of this Chapter shall be entered on the proper tax list against the name of the person against whom the same is assessed in the same manner as taxes against the real or personal property of such person.

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## CHAPTER 27.

### BOARD OF EQUALIZATION.

SECTION 208. The Board of Supervisors of each County shall constitute a Board of Equalization for the correction and completion of the assessment roll for their respective counties; and the said Board shall hold two regular meetings in each year at the office of the County Clerk at the County Seat as follows: Commencing on the first Monday in April and continuing in session not exceeding six days; and also

on the fourth Monday in April and continuing in session for not less than six nor more than fifteen consecutive days, at each of which meetings the Assessor shall be present and advise the Board.

SECTION 209. Said Board shall at its first meeting add to said assessment roll any taxable property in their County not included in the assessment as returned by the Assessor, and shall assess the value thereof. And the said Board may increase, diminish or otherwise alter or correct any assessment or valuation contained in said assessment roll, and may increase, or diminish or otherwise alter the amount of income of any person or corporation on which taxes are required by this Act to be levied.

SECTION 210. It shall be the duty of the County Clerk of each County, or the person acting as the Clerk of said Board of Equalization, to notify each person, company, association or corporation whose assessment has been raised or increased by the said Board of Equalization, of the amount of such raise or increase of assessment, or shall notify the agent or agents, attorney or attorneys, or any one of them, or any person, company, association or corporation affected by such raise or increase of assessment as aforesaid.

SECTION 211. Such notice may be given, first by personal service, or second, by statement either written or printed, or partly written and partly printed, or by letter, postage prepaid and properly addressed, and forwarded by registered mail to such person, company, association or corporation, or to the agent or agents, attorney or attorneys thereof, or to any one of them, to his or their last known address, either of whom may appear before the said Board of Equalization at the second meeting thereof, and upon evidence satisfactorily to the said Board of Equalization, that such assessment, or any part thereof is unjust or more than the assessed value of other property of the same class, or of like value, the said Board shall adjust such assessment, in such proportion as in their judgment is proper and right.

SECTION 212. Any person desiring to make complaint to

such Board of Equalization as hereinbefore provided, shall file with such Board a statement under oath, specifying the respect in which the assessment complained of is incorrect, to which verification may be made by the person assessed or whose property is assessed, or by some person authorized to make such statement, and who has knowledge of the facts therein stated.

SECTION 213. Any member of such Board may administer oaths and said Board shall take testimony and hear proofs in regard to any such complaint and the assessment to which it relates. If not satisfied that such assessment is erroneous they may require the person assessed or his agent or representative, or any other person, to appear before them and be examined concerning such complaint, and to procure any papers relating to such assessment, with respect to his property or his residence for the purpose of taxation.

SECTION 214. If any such person or his agent or representative shall wilfully neglect or refuse to attend and be so examined or to answer any material questions put to him, such person shall not be entitled to any reduction of his assessment. Minutes of the examination of any person examined by the Board of Equalization, upon the hearing of any such complaint, shall be taken and filed in the office of the Clerk of such County. The said Board shall, after such examination, fix the value of the property touching which such complaint was made, and for that purpose may diminish or increase the assessment thereof.

SECTION 215. If any person shall wilfully swear falsely in making the statement referred to in this Chapter or in any testimony given before such Board, such person shall be guilty of perjury and upon conviction shall be punished as is provided by law.

SECTION 216. If any Board of Supervisors shall value the property at a greater valuation than that placed thereon in the tax return by the person making the return thereof, such person may at any time within twenty days appeal to the



Supreme Court from such decision of said Board of Supervisors, by filing a notice of appeal, and by depositing with the Clerk of said Court the sum of One Hundred Dollars, or file in lieu thereof a bond with sufficient sureties with the Clerk of the Supreme Court, in the sum of One Hundred Dollars, conditioned to pay all costs of such appeal in case the case is not sustained.

SECTION 217. Upon any appeal being perfected as aforesaid, the Clerk of the Board of Supervisors from which such appeal is taken shall immediately certify up to the Supreme Court a record of all proceedings had before said Board of Equalization in and concerning said cause, in which certificate there shall be set forth:

1—The valuation of the property in dispute claimed by the tax-payer;

2—The valuation placed thereon by the Board of Supervisors. Such certificate shall be accompanied by a copy of the evidence taken before the Board of Supervisors.

SECTION 218. Upon any appeal to the Supreme Court under the provisions of this Act, all evidence taken before the Board of Supervisors in connection with such appealed cause, shall be considered by the Supreme Court, and it may also in its discretion, allow further evidence to be introduced by either party.

SECTION 219. The costs of such appeal to the Supreme Court to be paid by the tax-payer if the decision of such Court is against him, shall be the same as appeals in other Courts. No costs shall be assessed to or payable by the Board of Supervisors. If the decision of the Court is in favor of the tax-payer, he shall not pay any of the costs of such appeal.

SECTION 220. If the decision of the Supreme Court on such appeal is in favor of the tax-payer, he shall, after having paid to the collector of taxes the amount of tax due from him on the valuation of his property as fixed by the Board of Supervisors, be entitled to a rebate from the County of an amount

equal to the difference between the amount paid by him and the amount which would be due from him on the valuation fixed by the Supreme Court on said appeal. Such rebate shall be ordered paid to said tax-payer by the Board of Supervisors, on said tax-payer filing an itemized claim, as required by this Act. Nothing in this Section contained, however, shall be construed in any manner to authorize the County Treasurer to deduct such difference from the amount of taxes due the Territory under the Territorial levy on the valuation as fixed by the Board of Supervisors, but such rebate shall be borne by such County.

SECTION 221. The Secretary of the Territory, Treasurer and Auditor, or a majority of them, shall constitute a Board of Equalization of taxes for the Territory. They shall hold a session at the office of the Auditor, at the Capitol of the Territory, in the fourth week of May in each year, and it shall be the duty of said Board to examine the various assessments as far as regards the Territorial tax, and equalize the valuation of real property among the several counties and towns of the Territory in the following manner:

*First:*—They shall add to the aggregate valuation of real property in each County, which they shall believe to be valued below its proper valuation, such per centum in each case as will raise the same to its proper valuation;

*Second:*—They shall deduct from the aggregate valuation of real property of each County, which they shall believe to be valued above its proper valuation, such per centum in each case as will reduce the same to its proper valuation.

“Combined Property” as defined by the laws of Hawaii, shall, for these purposes, be treated as real property.

SECTION 222. Said Auditor shall keep a full record of the proceedings of said meetings, immediately after the adjournment of which he shall transmit to the County Clerk of each County a statement of the per centum to be added to or deducted from the valuation of real property in his County, and shall, on or before the second Monday of June in each

year, notify each County Clerk of the rate of Territorial tax that has been determined upon by said Secretary of the Territory, Treasurer and Auditor, to be levied and collected in each County, and when the Territorial Board of Equalization fixes no different rate, or if for any reason the Board should fail to sit, or the County Clerk should fail to receive the statement of the rate of tax ordered by them, by the first Monday of July in each year, then the rate first mentioned in this Title shall be deemed to be levied for Territorial purposes, and the Clerk of each County in making up the tax list required by Section 196, shall compute and carry out in the proper columns a Territorial tax at the rate aforesaid. Any clerk failing to perform any duty enjoined upon him by this Chapter, may be fined in any sum not less than One Hundred Dollars, nor more than Five Thousand Dollars, to be recovered against him and his sureties by a civil action in the name of the people of the Territory of Hawaii, and shall also be liable on his official bond to any person who may have suffered damage thereby.

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## CHAPTER 28.

### MISCELLANEOUS PROVISIONS.

SECTION 223. If the Tax Collector shall have reasonable grounds to believe that any person having personal property upon which taxes are unpaid is about to remove out of the County, or is seeking to put his personal property out of the reach of the Treasurer, the Collector shall collect such taxes, by distress, at any time after the tax list has been placed in his hands. In case any person owing taxes shall remove, or attempt to remove his personal property to any other County, the Collector shall, among other steps to collect such tax, forward, when necessary, such tax claim to the Tax Collector in the County in which such property may be found, and such taxes shall be collected at the latter place, as other taxes on personalty in the manner provided by law, and the Tax Collector to whom such claim is forwarded shall make return to

the proper County, and such Tax Collector is hereby authorized to enforce the collection of said claim in the manner provided by law for the collection of delinquent taxes.

SECTION 224. Each County is responsible to the Territory for the amount of tax levied for Territorial purposes, excepting such amounts as are certified to be erroneous assessments, and no allowance or credit shall be given to any County for any other than this, of such tax levy remaining uncollected.

SECTION 225. If, on the assessment roll, or on the tax list, there be any error in the name of a person taxed, the name may be changed, and the tax collected from the person intended, and when the Collector, after the tax list is committed to him, ascertains that any land or other property is omitted, he shall report the fact to the Assessor, who, upon being satisfied thereof, shall enter it upon his assessment roll, and assess the value, and the Collector shall enter it upon the list, and collect the tax as in other cases.

SECTION 226. All taxes levied upon personal property, of any kind whatsoever, shall be a lien upon the property so levied upon for the period of two years.

*Provided, however,* that in the case of a transfer of property before payment of the said tax levied thereon and after such levy, the tax thus levied shall be collected from the person or persons against whom the same was levied, if such person has real or personal property out of which payment thereof can be enforced; but if such person be not possessed of such property, then the payment thereof shall be enforced against the property thus taxed.

SECTION 227. The Treasurer of each County shall make a settlement annually with the Board of Supervisors during the regular meeting of the Board in December, and as often during the year, as the Board shall require it; and on or before the thirty-first day of December of each year, the Treasurer shall make a full and complete settlement with the Territorial Treasurer for the tax levy of that year; and upon his refusal or failure to make such settlement he shall be fined in any sum not less than One Hundred nor more than One Thousand

Dollars, to be recovered by action in the Circuit Court against the Treasurer and his sureties, by the Board of Supervisors. Delinquencies on the part of any County in payment of the Territorial tax levy, shall bear interest at the rate of six per cent. per annum, after the thirty-first day of December, when the tax was payable to the Territorial Treasurer; and in case of any such delinquency on the part of any County the Territorial Treasurer shall at once cause an action at law to be brought against any County in the name of the Territory to recover the amount of any such delinquency, and for that purpose may employ an attorney whose services shall be paid for out of the contingent fund of the Treasurer's Office. In case judgment is obtained in such action, the Board of Supervisors of the County at the time of the next annual levy of taxes, shall cause a special levy to be made at a rate sufficient to pay the judgment and interest thereon at the rate of six per cent. per annum, which levy shall be in addition to the regular levies made in such County for the year. The Board of Supervisors of any County may, without suit or action, make a special levy necessary to raise the amount of any such delinquency.

SECTION 228. No action for the recovery of real property sold for non-payment of taxes shall be maintained unless brought within six years after the date of sale for taxes.

SECTION 229. Any officer neglecting or refusing to comply with any of the requirements of this Chapter for whose negligence or failure no other penalty is provided shall be liable to a fine not exceeding One Thousand Dollars, to be recovered against him and his sureties as provided in this Chapter.

SECTION 230. In all cases where any person shall pay any tax, or any portion thereof, that shall thereafter be found to be erroneous or illegal, owing to clerical or other errors, the Board of Supervisors shall direct the Treasurer to refund the same, or if any real property subject to taxation, shall be sold for payment of such erroneous tax, the error in tax may at any

time be corrected as above provided, and shall not affect the validity of the sale; but such property shall be redeemed by the County as hereinafter set forth.

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## CHAPTER 29.

### DELINQUENT TAXES.

SECTION 231. Notice, demand or request shall not be necessary for payment of taxes. After the first Monday in June of each year all taxes shown to be due by the Specific and Income Tax List shall be due and payable at the office of the Collector in each County, and after the fourth Monday in August in each year all taxes shown to be due by the property Tax List shall be payable at the office of the Collector. Tax-payers shall pay said first mentioned taxes on or before the thirtieth day of June of each year, and said second mentioned taxes on or before the thirtieth day of November in each year. After said respective dates such taxes shall be delinquent.

SECTION 232. The Collector of taxes shall notify each taxpayer at least twenty days before the thirtieth day of June in each year, and at least thirty days before the thirtieth day of November in each year; of the amounts of taxes shown by the Specific and Income Tax Lists to be due and the date when the same will become delinquent, and in the last mentioned notice stating the amount of the tax shown to be due by the property tax list and the date when the same will become delinquent. The notices may be by postal card deposited in the post office and addressed to his post office address, if known, or if such address be unknown, addressed to the taxpayer at the County Seat of the County; but if the Collector fail to send such notice it shall not in any way invalidate the tax.

SECTION 233. There shall be added to all delinquent taxes for failure of the tax-payer to pay the same before delinquent,

ten per centum of the amount thereof, which said per centum shall attach to such taxes, and become a part thereof, and become due and payable when such taxes became delinquent.

SECTION 234. After taxes become delinquent they shall draw interest at six per cent. per annum until paid, or collected by distress or sale, in addition to the penalty imposed by the preceding Section. Taxes upon real property are hereby made a perpetual lien thereon, against all persons or corporations, and taxes due from any person or corporation upon personal property, whether the same be a specific tax or a tax on the assessed valuation thereof, and all taxes due on account of income, shall be a lien upon real estate owned by such person or corporation.

SECTION 235. Immediately after the thirtieth day of November in each year, the County Collector of Taxes shall, from the tax lists in his hands, make out a complete list of all delinquent taxes for that and preceding years, due from every person or corporation taxable in his County, whether the same shall be poll tax, income tax, specific tax on personal property, or a tax on the assessed valuation of property, and shall attach his certificate to said list, showing that it is a true list of all delinquent taxes, and file the same in the office of the County Treasurer. Such list shall be at all times a sufficient warrant and authority for the Collector of Taxes upon which to proceed to collect all delinquent taxes.

SECTION 236. After taxes become delinquent in any year, the Collector of each County shall at once make demand upon tax-payers for the taxes due, with the ten per cent. added thereto, and in case of non-payment, shall levy upon the real or personal estate of the delinquent as may be most convenient, and sell any or all property in the manner provided by law, sufficient to pay such delinquent taxes. For his services he shall have ten cents per mile for every mile necessarily travelled in making collection of taxes, and all such costs, together with the expense of advertisement, shall be added

to such delinquent tax and therewith collected; the Collector for his services in collecting delinquent taxes when a sale of property is necessary to enforce collection, and such sale is made, shall be entitled to receive the following fees, to be collected from the tax-payer with the tax and ten per centum added thereto: for sale of personal property, Five Dollars; for advertising property for sale, One Dollar; for issuing certificate to purchaser of real property, sold for taxes, One Dollar. He shall also be entitled to receive, for certificate of redemption, One Dollar; for deed of land, Five Dollars.

SECTION 237. When taxes due from any person or corporation shall have become delinquent, and such taxes have not been fully paid, and in all cases where taxes may hereafter become due from any person or corporation and shall become delinquent, it shall be lawful, and it is hereby made the duty of the officer whose duty it now is by law to collect delinquent taxes, to proceed and collect all such taxes as have already become delinquent and remain unpaid, and all such taxes as may hereafter become delinquent at any time within one year after such taxes become or may become due and payable.

SECTION 238. In the collection of such delinquent taxes as are mentioned in the preceding Section, it shall be lawful for the officer whose duty it is to collect the same, to make the same by distress and sale of the personal property of the person owing such tax or liable for the same, notwithstanding such person may have real estate in the County where such tax is due, and the delinquent tax list alone shall be a sufficient warrant for such distress.

SECTION 239. Immediately upon the delivery of the Specific and Income Tax List to the Collector, it shall be lawful for the Collector, for the collection of poll taxes, to levy upon any County warrant or other evidence of indebtedness the property of a delinquent tax-payer, at any time after said poll taxes shall have become due and payable, and to sell or dispose of the same to the best advantage and apply the proceeds thereof to the payment of taxes due from such delinquent, giving a proper receipt therefor to the delinquent; *provided*, that



the provisions of this Section shall not apply to owners of real estate in the County where the poll taxes are levied.

SECTION 240. If any person allows his poll tax to become delinquent, the Collector of Taxes shall attach such delinquent's property, and sell the same; and shall, after deducting the tax and One Dollar for his fee, return the over-plus, if any, to the delinquent; *provided*, that in all cases where any person or corporation is owing such delinquent a sum of money sufficient to cover the amount of such tax and fee, the Collector may serve a written notice on such person, or any agent of such corporation, to withhold the amount of tax and fee from the amount due such delinquent; *provided*, no poll tax shall be levied nor collected from any person over sixty years of age.

SECTION 241. Every person or corporation when notified by the Collector, as specified in the preceding Section, shall answer to the Collector as to the amount due such delinquent, and shall retain said tax and fee out of said amount, and shall pay the same to the Collector.

SECTION 242. If the Collector be resisted or impeded in the execution of his duties, he may require any suitable person or persons to aid him therein; and if such person or persons refuse to give such aid, he or each of them shall forfeit a sum not exceeding Ten Dollars, to be recovered in a civil action in the name of and to the use of the County, before any magistrate, on the complaint of the Collector, and the person or persons resisting shall be liable, as in case of resisting the sheriff in the execution of civil process.

SECTION 243. When the Collector distrains goods, he may keep them at the expense of the owner, and shall give notice of the time and place of their sale, within five days after the taking, in the manner sheriffs are usually required to give notice of the sale of personal property under execution, and the time of sale shall not be more than ten days from the day of the taking, but he may adjourn the sale from time to time,

not exceeding three days, and shall adjourn it at once when there are no bidders, and, in case of adjournment, he shall put up a notice thereof at the place of sale. Any surplus remaining above the taxes, charges of keeping, transportation and fees of sale, shall be returned to the owner, and the Collector shall, on demand, render an account in writing of the sale and all charges.

SECTION 244. Any property distrained for collection of taxes shall be sold at public auction, unless the tax and costs accrued be previously paid, and the sale shall take place in the manner provided by law for collecting delinquent taxes.

SECTION 245. The Collector shall give notice of the sale of real property for delinquent taxes, by publication thereof, once a week for four weeks, in a newspaper in his County, if there be one; the first insertion of which notice shall be at least four weeks before the day of sale, and by a written notice posted on the door of the Court House or building commonly used therefor, for four weeks before the sale, and if there be no newspaper published in the County, the like notice shall be given by posting one written notice in each of five public places in the County in which any land to be sold is situated, and one on the Court House door, or door of the county building. Such notice shall contain a notification that all lands on which the taxes of . . . . . have not been paid, will be sold, and the time and place of such sale, with a list of the lands. Ten per cent. upon the amount of taxes due shall be added when lands are advertised.

SECTION 246. Such sale shall take place at the Court House or County building, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, and may be adjourned from day to day, Sundays excepted, until all the lands are sold.

SECTION 247. The purchaser who offers to pay the amount

of taxes due on any parcel of land for the smallest portion of the same, is to be considered the purchaser.

SECTION 248. The person purchasing any lot or parcel of land shall forthwith pay to the Collector the amount of taxes and costs on said lot or parcel, and on failure to do so, the land shall at once be sold again as if no sale had been made.

SECTION 249. No irregularity or informality in the advertisements shall affect the legality of the sale, or the title to any real property conveyed by the Collector's deed, but in all cases the provisions of this Title shall be deemed sufficient notice to the owners of the sale of their property.

SECTION 250. The Collector shall make out, sign and deliver to the purchaser of any real property sold for the payment of taxes as aforesaid, a certificate of purchase, describing the property, on which the taxes and costs were paid by the purchaser, as the same are described in the record of sale, and also how much and what of each parcel or lot of land was sold. If any person shall become the purchaser of more than one lot or parcel of land, he shall have the whole put in one certificate. For each certificate the purchaser shall pay the Collector a fee of fifty cents.

SECTION 251. Such certificate of purchase shall be assignable by endorsement, and such assignment shall vest in the assignee or his legal representative all the rights and title of the original purchaser.

SECTION 252. Real property sold under this Chapter may be redeemed at any time before the expiration of two years from the date of the sale, by payment to the Collector, to be held by him subject to the order of the purchaser, of the amount for which the same was sold, with fifteen per cent. on the same, and ten per cent. interest per annum on the whole amount, from the day of sale, and the amount of all taxes occurring after such sale, with ten per cent. interest per annum

on such subsequent taxes, unless such subsequent taxes have been paid by the person for whose benefit the redemption is made. Which fact may be known by the Collector's receipt.

**SECTION 253.** If real property of any minor or lunatic be sold for taxes, the same may be redeemed at any time within one year after such disability be removed upon the terms specified in Section 252, or the redemption may be made by the guardian, or legal representative.

**SECTION 254.** The County Collector shall, upon application of any person to redeem any real property sold under the provisions of this Title, and being satisfied that such person has a right to redeem the same, and upon the payment of the proper amount, issue to such person a certificate of redemption setting forth the facts of the sale substantially as contained in the certificate of sale, the date of redemption, the amount paid, and by whom redeemed, and he shall make the proper entries in the book of sales in his office, and shall immediately give notice of such redemption to the person holding the certificate of purchase.

**SECTION 255.** Immediately after the expiration of two years from the date of the sale of any lands for taxes, under the provisions of this Chapter, which have not been redeemed, the Collector shall make out a deed for each lot or parcel of land sold and remaining unredeemed, and deliver the same to the purchaser; and upon the return of the certificate of purchase, the Collector shall demand Two Dollars for each deed made by him on such sales; but any number of parcels of land bought by one person may be included in one deed, as may be desired by the purchaser.

**SECTION 256.** No purchaser, or assignee of any such purchaser, of any land, town or city lot, at any sales of lands or lots, for taxes or special assessment due either to the Territory or to any County or at any sale for taxes or levies authorized by the laws of this Territory, shall be entitled to a deed for the lands or lots so purchased, until the following conditions have been complied with, to-wit:

Such purchaser or assignee shall serve, or cause to be served, a written or printed, or partly written and partly printed, notice of such purchase on every person in actual possession or occupancy of such land or lot, and also the person in whose name the same was taxed or specially assessed, if upon diligent enquiry he can be found in the County, at least three months before the expiration of the time of redemption of such sale, on which notice he shall state when he purchased the land or lot, in whose name taxed, a description of the land or lot he has purchased, for what year taxes are specially assessed, when the time of redemption will expire and application for deed will be made. If no person is in actual possession or occupancy of the said land or lot, and the person in whose name the same was taxed or specially assessed, upon diligent enquiry cannot be found in the County, then such purchaser or his assignee shall publish such notice in some newspaper printed in such County, and if no newspaper is printed in the County, then in the nearest newspaper that is published in this Territory, to the County Seat of the County in which such land or lot is situated; which notice shall be inserted once each week for three weeks, the first publication not to be longer than five months and the last publication not to be less than three months before the time of redemption shall expire. It shall be the further duty of such purchaser or his assignee, to submit to the Collector proper proof in cases where personal service is made, of the fact of such service, and of the contents of the notice thus served; and in cases where service by publication is made, a sworn statement by the publisher, manager or editor of the newspaper in which such publication is made, containing the time when the same was made, shall be attached to a copy of said notice; and until such proof is so furnished to the Collector he shall refuse to issue a deed to the said purchaser, or his assignee. Whenever the purchaser or his assignee has fulfilled all the requirements of this Section, and surrenders to the Collector the certificate of purchase, it shall be the duty of the Collector to issue to the purchaser, or his assignee, a tax deed.

SECTION 257. Notice and proof of service thereof, as required by Section 256, shall, after the presentation to the County Collector and the issuance of a tax deed thereon, be filed by the grantee and recorded as other instruments affecting the conveyance of real property.

SECTION 258. When, by mistake or unlawful act of the Collector, land is sold on which no tax was due, or land is sold unlawfully in consequence of any other mistake or irregularity rendering the sale void, the County shall hold the purchaser harmless by paying him the amount of principal, interest and cost to which he would have been entitled had the land been rightfully sold, and the Collector and his sureties shall be liable to the County for the amount; but only for his own or deputies' acts.

SECTION 259. The books and records belonging to the offices of the Clerk of the Board of Supervisors and the County Collector, or copies thereof duly certified, shall be deemed sufficient evidence to prove the sale of any property for taxes, the redemption thereof, or the payment of taxes thereon.

SECTION 260. At the tax sale of each year, in each County, any real estate that cannot be sold for taxes and cost of advertising due on the same, at the time of sale, or on which no bids are offered, shall be bid in by the Collector and then become the property of the County.

SECTION 261. Real estate so bid in shall be assessed each year and taxes placed thereon the same as other real estate, but shall be placed by itself on a separate tax roll and assessment list, and the valuation of such property shall not be reckoned as part of the valuation of the County nor any return thereof be made to the Territory.

SECTION 262. After such real estate has become County property the County Collector, together with the Board of Supervisors, shall have authority to dispose of it in the man-

ner provided by subdivision 6 of Section 22 hereof, relative to sale of other County property; but no such sale shall be consummated unless all taxes and accrued costs on the same can be realized by such sale.

SECTION 263. The original owner of any such real estate so bidden in by the County, shall have two years from the date of such purchase by the County in which to redeem the same. If redeemed from the County the price shall be the purchase price paid by the County, with the accrued costs up to the time of redemption and eight per cent. per annum on such sum. If the real estate has been disposed of by the County, then the original owner may redeem from the purchaser in the same manner as though the purchaser had bid in the property at tax sale. After two years from the date of sale by the County, of such real estate, to any private purchaser, it shall be the duty of the County Collector to make, execute and deliver to such private purchaser a tax deed for property so sold.

SECTION 264. Upon the sale of any real estate to private persons by the County, it shall be the duty of the County Collector to immediately place such property on the general assessment roll of the County.

SECTION 265. The moneys derived from the sale, together with the costs, of such real estate by the County shall be applied to the liquidation of delinquent Territorial taxes in the County, and any funds remaining over shall be conveyed to the General County Fund.

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## CHAPTER 30.

### INHERITANCE TAX.

SECTION 266. Chapter 63 of the Civil Laws of Hawaii, relating to taxes on legacies, bequests and inheritances, shall remain in full force and effect, and all taxes levied and col-

lected by virtue thereof shall be paid to the Treasurer of the Territory for the use of the Territory.

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## CHAPTER 31.

### TERRITORIAL REVENUE.

**SECTION 267.** The following funds shall be payable into the Treasury of the Territory, and used for paying the expenses of the Territory:

1—All amounts realized from Counties under the levy of taxes on the assessed valuation of the Counties for Territorial purposes;

2—All taxes from inheritances paid under the provisions of law relative thereto;

3—All stamp taxes paid under the provisions of Chapter 64 of the Civil Laws of 1897;

4—All fees or costs of every nature paid to the Superintendent of Public Instruction;

5—All amounts realized upon the sale or lease of lands belonging to the Territory;

6—All amounts realized from harbor fees, wharfage, towage, or pilotage, under any law of the Territory;

7—All fees and costs paid to the Clerk of the Supreme Court of the Territory;

8—All amounts received by the Warden of the Territorial Penitentiary;

9—All amounts collected by the Territorial Board of Health;

10—All income from any Territorial institution;

11—All fees for licenses to practice medicine, pharmacy, surgery and dentistry;

12—All funds of every description not otherwise provided for, arising from the sale of any property belonging to the



Territory or collected by any Territorial officer by virtue of his office.

All fees and costs of every description for services performed by Territorial officers shall be paid into the Territorial Treasury.

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## CHAPTER 32.

### COUNTY REVENUE.

SECTION 268. The following funds shall be payable into the Treasury of the County, and used for paying County expenses:

- 1—All income taxes, poll taxes, specific tax on personal property, and tax collected for County revenue purposes;
- 2—All license fees except license fees for the practice of medicine, pharmacy, surgery and dentistry;
- 3—All fees and costs collected by district magistrates or Circuit Courts within the County;
- 4—All fees arising under any law relative to storage of kerosene;
- 5—All water works charges collected within the County;
- 6—All fees paid to the County Recorder for registration of instruments;
- 7—All receipts from the County Jail;
- 8—All receipts from registry of brands;
- 9—All receipts for storage of powder under the provisions of any law;
- 10—All fees or costs collected from markets;
- 11—All fees for inspection of weights and measures;
- 12—All fees for sewerage and garbage charges;
- 13—All fees or costs collected by any County officer by virtue of his office, or arising from the sale or lease of property

by this Act or any law of the Territory placed under the control of such County.

All fees and costs of every description for services performed by County officers shall be paid into the County Treasury.

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## CHAPTER 33.

### TERRITORIAL CHARGES.

SECTION 269. The following charges shall be borne and paid by the Territory:

1—The salaries of all Territorial officers whose salaries are not paid by the United States;

2—The expenses of public schools throughout the Territory;

3—The expenses of the Board of Health;

4—The expenses of wharves, harbors and towage and pilotage;

5—The expenses of maintaining all Territorial institutions;

6—The expenses of the Supreme Court of the Territory, including the salaries of the officers thereof;

7—Expenses of the Public Land Commissioner;

8—Expenses of the Attorney-General;

9—The expenses of all Territorial public buildings;

10—The expenses of the Survey Department of the Territory;

11—The expenses of the Department of Agriculture;

12—Permanent settlements;

13—All expenses not herein otherwise provided for, necessary to be incurred for the proper conduct of the Government of the Territory.

## CHAPTER 34.

## COUNTY CHARGES.

SECTION 270. The following charges shall be borne and paid by the County:

1—Salaries and authorized expenses of all County and District officers and employees;

2—The cost of water works, fire departments, and lighting apparatus within the County;

3—Expenses of Circuit Courts and District Magistrates within the County, including salaries of clerks and bailiffs and the fees of witnesses and jurors;

4—Care and maintenance of public buildings used for the business of the County;

5—The expenses of roads and bridges within the County;

6—The costs of public markets in the County;

7—The expenses of maintaining sewerage and disposing of garbage;

8—The expenses of prisoners in County Jails;

9—All other expenses not herein specially provided for, connected with the government of the County and the proper conduct of its affairs.

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TITLE 5.

## LICENSESES.

## CHAPTER 35.

## GENERAL PROVISIONS.

SECTION 271. Each County Auditor shall prepare and have printed blank licenses of all classes mentioned in this Act with a blank receipt attached for the signature of the Tax Collector when sold.

SECTION 272. The County Auditor shall affix his official

seal to, number and sign all licenses, and from time to time deliver them to the Tax Collector as required, taking his receipt therefor, and charge him therewith, giving in the entry the numbers, classes and amount thereof.

SECTION 273. The Auditor shall keep in his office the stubs of all licenses by him delivered to the Tax Collector, and a ledger in which he shall keep the Collector's account for all licenses delivered to him, sold, or returned unsold by him; a correct statement of the Collector's license account shall be certified to the County Treasurer each month by the Auditor.

SECTION 274. A license shall be procured before the commencement of any business or occupation liable to a license tax from the Tax Collector of the County, which license authorizes the person obtaining the same to transact the business described in such license; separate licenses shall be obtained for each branch establishment or separate house of business located in the same County.

SECTION 275. Against any person required to take out a license who fails, neglects or refuses to take out such license, or who carries on, or who attempts to carry on, business without such license, the Collector may direct suit in the name of the people for the recovery of the license tax; and in such case, either the Collector or Attorney may make the necessary affidavit for and a writ of attachment may issue without bonds being given on behalf of the plaintiff; and in case of recovery by the plaintiff, fifteen dollars damages shall be added to the judgment and costs, and when collected, five dollars thereof shall be paid to the Collector and ten dollars to the attorney prosecuting the suit.

SECTION 276. Each Tax Collector shall make diligent enquiry as to all persons in his County liable to pay license fees as provided in this Chapter, and shall require each person to state under oath or affirmation the probable amount of business which he or the firm of which he is a member, or for

which he is an agent or attorney, or the association or corporation of which he is president, secretary or managing agent, will do in the next succeeding year; and thereupon such person, agent, president, secretary or other officer shall procure a license from the Tax Collector for the term desired; and the class for which such person is liable to pay; and in all cases where an underestimate has been made by the person applying, he or the company he represents shall pay for a license for the next year double the sum otherwise required.

SECTION 277. Upon the trial of any action authorized by this Chapter, the defendant is deemed not to have procured the proper license unless he either produces it or proves that he did procure it.

SECTION 278. On the first Monday in each month the Collector shall return to the Auditor all licenses unsold, and be credited therewith; and shall, with the Auditor, appear at the Treasurer's office and pay into the County Treasury, for the use of the County General Fund, all moneys collected for licenses sold during the preceding month, take the Treasurer's receipt therefor, and file duplicates thereof with the Auditor. The Auditor shall credit the Collector and charge the Treasurer therewith.

SECTION 279. For each license issued the Collector shall collect a fee of one dollar, to be paid into the Treasury of the County.

SECTION 280. The Tax Collector of each County shall, upon the application of any person, issue to the applicant any license hereinafter enumerated, upon the terms and conditions hereinafter set forth, except as otherwise herein provided. A license granted under this Act shall only authorize the carrying on of the business licensed at the place indicated in the license, except in case of removal, and upon the written consent of the Tax Collector endorsed thereon.

SECTION 281. All licenses issued for the carrying on of the several businesses or doing the acts herein enumerated, shall be issued by the Tax Collector in accordance with the terms and conditions and for the fees herein enumerated, for the respective terms of one year from the several dates of issue. The carrying on of any such business, or the doing of any such act herein enumerated, except upon obtaining a license in conformity with the provisions of this Act, is hereby forbidden.

SECTION 282. Any person who shall, after the date of the passage of this Act, engage in or carry on any business, or do any act herein enumerated, the engaging in or doing which is herein required to be licensed, without first obtaining a license in conformity with the provisions of this Act, or who shall sell any goods, wares, merchandise, produce or thing of value, contrary to the terms of this Act, shall be guilty of a misdemeanor, and upon conviction, shall, unless otherwise herein provided, be fined a sum not less than the annual fee and not more than twice the annual fee herein prescribed for the carrying on of such business, or the doing of such act. *Provided, however,* that any person now carrying on business under an existing license may continue to do so until the expiration of such license, subject to the terms, conditions and penalties prescribed in the several Acts under which such licenses are severally issued.

SECTION 283. No license shall be issued under this Act until the full fee required herein shall have been paid in advance for the term of one year.

SECTION 284. No license shall be transferrable:

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## CHAPTER 36.

### ALCOHOL.

SECTION 285. Whenever in this Act the words "methylated

spirits" are used, they shall mean ethylic alcohol to which has been added at least one-ninth its bulk of pyroxylic spirits.

Whenever in this Act the word "alcohol" is used, it shall mean the ordinary alcohol of commerce known as ethylic alcohol.

SECTION 286. The Tax Collector is hereby authorized to grant to any holder of a license to sell poisonous drugs, a license to sell methylated spirits and alcohol. The annual fee for such license shall be Fifty Dollars.

SECTION 287. Before granting such license a good and sufficient bond to the Territory in the sum of One Thousand Dollars, secured in not less than double the amount of the penalty, shall be required. The conditions of the bond shall be that the holder shall observe and comply with the provisions of all laws relative to such license.

SECTION 288. Any person convicted of selling or furnishing methylated spirits or alcohol without a license to sell the same, shall be liable to a fine of not less than One Hundred nor more than Two Hundred and Fifty Dollars.

Any person holding a license under this Act who shall violate or fail to observe any of the provisions herein contained, shall, for the first offense, be fined not to exceed One Hundred Dollars, and for the second offense to be fined not to exceed Two Hundred and Fifty Dollars, and the license shall be forfeited and the penalty named in the said bond shall at once become due.

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## CHAPTER 37.

### STOCK AND SHARE BUSINESS.

SECTION 289. The annual fee for carrying on a stock and share business shall be One Hundred Dollars.

SECTION 290. The term "stock and share business" for the purposes of this Act, shall mean the buying or selling of corporation stock and shares for a commission or other compensation or reward.

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## CHAPTER 38.

### AWA.

SECTION 291. The Tax Collector is authorized to issue licenses to sell awa in each County in the Territory. Each license shall be for the term of one year. The annual fee for such license shall be Twenty-five Dollars.

SECTION 292. Any person who shall sell awa without a license shall be fined not less than Twenty-five nor more than One Hundred Dollars.

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## CHAPTER 39.

### AUCTION.

SECTION 293. The annual fee for a license to sell goods, wares and merchandise, or other property at auction, shall be as follows:

For the County of Oahu, Six Hundred Dollars; for the County of Maui, One Hundred Dollars; for the County of East Hawaii, One Hundred Dollars; for the County of West Hawaii, Twenty-five Dollars; for the County of Kauai, Twenty-five Dollars.

SECTION 294. Every auctioneer shall keep and preserve a record book in which shall be entered:

1—A detailed list and description of the property received for sale;

2—The names of the person from whom, or on account of whom, the same is received;



3—The date upon which the same is received;

4—The date upon which the same is sold;

5—The price for which each article is sold;

6—The name of the person or persons to whom each article is sold; which record shall, during the regular business hours, be open to the inspection of any person desiring to see the same. Every such entry shall be made immediately after each transaction required to be recorded.

SECTION 295. Every person upon receiving an auction license for the County of Oahu, shall give a bond with good and sufficient sureties, to be approved by the County Treasurer, to the Territory, in the penal sum of Three Thousand Dollars, and for each other County said bonds shall be for the sum of Five Hundred Dollars each, and subject to like approval of sureties; said bonds shall be conditioned:

1—That he will faithfully and truly keep the records by law required to be kept;

2—That he will faithfully, promptly and truly account to all persons for whom he may sell property, and promptly pay to them all sums received by him for the sales of the same, after deducting therefrom his commissions and expenses;

3—That he will not sell goods, wares, merchandise or other property, except at public auction;

4—That he will otherwise in all things conform to the laws relating to auctioneers.

SECTION 296. The Tax Collector, or by his written consent any person whose property is sold by an auctioneer, concerning which property a record shall not have been kept as required by this Act; or concerning which such auctioneer shall otherwise have failed to fulfil the terms of his bond, may prosecute such auctioneer under his bond, and recover thereon any actual loss caused to him or sum due to him by such auctioneer; and also the sum of ten dollars to the use of the County for each item by this Act required to be entered in such record which is omitted therefrom, or which is entered therein incorrectly; and the license of such auctioneer may, in the discretion of any judge or court, be cancelled.

SECTION 297. In case suit on such bond shall be brought by any person other than the Tax Collector, such suit shall be in the name and at the sole expense of such plaintiff.

SECTION 298. Every auctioneer may charge a commission of not more than five per cent. upon sales and collections made by him; and the actual amounts paid by him for advertising the sale of property sold, and any other expenses that may be agreed upon between him and the owner of the property to be sold, and may deduct such commission and expenses from the proceeds of any such sale.

SECTION 299. Nothing in this Act, or in any law relating to Auction Licenses, shall be construed to extend to or affect sales at public auction made by any officer, or by any executor, administrator, guardian, assignee or other person who may be required or authorized by law to sell any property at auction, and who shall, under such authority, so sell such property.

SECTION 300. Any auctioneer may appoint any agent or assistant to act for him in the conduct of his auction business, for all of the acts of whom he shall be responsible in the same manner as though they were done personally by himself.

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## CHAPTER 40.

### BANKING.

SECTION 301. The annual fee for a banking license shall be Seven Hundred and Fifty Dollars.

SECTION 302. The term "banking" for the purposes of this Act, shall mean the engaging in, buying or selling drafts or bills of exchange on banks or persons in other countries, or the receiving of deposits and paying of checks thereon.

Any person holding a banking license may also under such license loan his own money, or collect for, or receive, or take the money of another, and loan or advance the same to another, or others, charging a higher rate of interest than is allowed to the depositor; or may loan moneys of another, or

negotiate a loan to or from another, for a commission or other compensation.

## CHAPTER 41.

### BILLIARDS AND BOWLING ALLEYS.

SECTION 303. The annual fee for a license to keep a billiard table or bowling alley, to be used for hire or pay, shall be Fifteen Dollars for each table or alley.

SECTION 304. Nothing herein contained shall be construed as applying to any billiard table or bowling alley kept by any person for private use.

## CHAPTER 42.

### BOATS AND BOATMEN.

SECTION 305. The annual fee for a license to ply boats for hire in any harbor shall be eight dollars for every boat with four or more oars; and for every boat with less than four oars, Four Dollars.

SECTION 306. The owner of any licensed boat shall be entitled if hired on time, to charge one dollar for each passenger for the first hour, and fifty cents for each succeeding hour, if the boat have four or more oars; and only half of such fare if the boat has less than four oars.

If hired by distance, twenty cents for each passenger to or from any ship or point within the inner buoy; fifty cents to or from any ship or point between the inner and outer buoys; and one dollar to and from any ship or point in the anchorage outside of the buoys, if the boat have four oars; and half of said fares if the boat have less than four oars.

*Provided, always,* that if the boat shall be detained by any passenger alongside of any ship or at any point over fifteen minutes, the owner shall be entitled to charge fifty cents additional for every half hour or portion thereof of such detention.

SECTION 307. Every person hiring any such boat shall be entitled to carry with him, free of charge, one hundred pounds of baggage or goods, and no more; and for all extra baggage or goods he shall pay according to agreement with the person plying the boat.

SECTION 308. The owner of any licensed boat shall, upon the written order of the Tax Collector, furnish such boat with the proper number of oarsmen for the public service, at the rate of four dollars per day for any boat with four oars and two dollars per day for any boat with less than four oars.

SECTION 309. The owner of every licensed boat shall have and keep the number of her license conspicuously painted upon both of her bows.

SECTION 310. Every licensed boatman shall provide himself with a badge upon which must be plainly marked a number, which badge must at all times when the boatman is employed be conspicuously displayed. Such badges shall be furnished by the Tax Collector at cost.

SECTION 311. Any person who shall act as a boatman in any boat plying for hire without a license, or who being licensed, shall violate or fail to observe any of the requirements of this Act, or of the rules prescribed by the Tax Collector under this Act; or any owner or person in charge of a licensed boat who shall refuse to take a passenger at the rate herein prescribed, or who shall charge any person more than the said rates, or who shall knowingly convey any woman on board of any vessel for the purposes of prostitution, or any person flying from the Territory to escape justice or the payment of his debts; or who shall assist with his boat any sailor deserting from any vessel; or who shall communicate with any vessel placed under quarantine, shall be fined not less than Five nor more than Fifty dollars, and in the discretion of the Court the license of such boatman to ply such boat may be cancelled.

Any person plying a boat for hire without being licensed shall be fined not less than Five nor more than Fifty Dollars.

## CHAPTER 43.

## BUTCHER BEEF.

SECTION 312. The annual fee for a license to sell beef shall be Twenty-Five Dollars.

SECTION 313. Upon granting such a license the Tax Collector shall exact from the licensee a bond in the penal sum of Five Hundred Dollars, with good and sufficient surety, to be approved by the Tax Collector, conditioned that such licensee will keep a full and accurate record concerning every animal which he may purchase, kill or sell; and that he will at all times during regular business hours keep such record open for the inspection of all who may desire to examine the same.

Such record shall contain:

- 1—The sex of the animal;
- 2—The brand or brands on the animal, stating the position on the animal of such brand;
- 3—The principal color or colors of the animal;
- 4—The name of the person or persons who sold the animal to him;
- 5—The date when the animal was sold to him;
- 6—The date when the animal was delivered to him;
- 7—The date when the animal was killed.

SECTION 314. The Tax Collector, or with his written consent, any person owning any animal purchased, sold or killed by any licensed butcher, concerning which a record as prescribed by this Act has not been kept, may prosecute such licensed butcher under his bond and recover thereon, to the benefit of the County, the sum of not less than Five Dollars nor more than Fifty Dollars, for each item required by this Act to be entered in such record which is omitted therefrom or which is entered therein incorrectly; and the license of such butcher may, in the discretion of any judge or court, be cancelled.

**SECTION 315.** Any person who shall slaughter any animal for the purpose of exposing beef for sale, or sell beef slaughtered by others without first procuring a license; or who, having a license, shall fail or neglect to keep the record provided for under his bond; or who, having a license and having kept a record as provided by his bond, shall fail or refuse to show such record during regular business hours to any person who may desire to examine the same, or who shall keep a faulty record, or who shall violate or fail to observe any of the requirements of this Act, or his license, shall upon conviction be fined not less than Twenty-five Dollars nor more than Fifty Dollars for each offence.

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#### CHAPTER 44.

##### BUTCHER PORK.

**SECTION 316.** The annual fee for a license to sell pork shall be Twenty-five Dollars, but this provision shall not apply to the sale of pork which is "kaluaed" or cooked in the Hawaiian style.

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#### CHAPTER 45.

##### FIRE ARMS.

**SECTION 317.** The annual fee for a license to hunt with fire-arms shall be Ten Dollars.

The Tax Collector may, in his discretion, refuse to issue a license to hunt with fire-arms under this Act, to any person who has been convicted of violating any of the provisions of any law for the protection of game.

**SECTION 318.** Any person who shall hunt with fire-arms without a license under this Act, allowing him so to do, shall be fined not less than Five nor more than Fifty Dollars.

## CHAPTER 46.

## LIVERY STABLES.

SECTION 319. The annual fee for a license to carry on the business of a livery stable shall be Fifty Dollars.

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## CHAPTER 47.

## LODGING OR TENEMENT HOUSES, HOTELS, BOARDING HOUSES AND RESTAURANTS.

SECTION 320. The annual fee for a license to keep a lodging or tenement house shall be Ten Dollars.

SECTION 321. The annual fee for a license to keep a hotel, boarding house or restaurant shall be Fifty Dollars.

SECTION 322. No license shall be issued for a lodging or tenement house, hotel, boarding house or restaurant until the applicant shall secure from the Territorial Board of Health and present to the Tax Collector a certificate setting forth that an agent of the Board has examined the house or houses proposed to be used for such purpose, with a description thereof sufficient to identify and locate the same; and that the same are in good sanitary condition and suitable to be used for such purpose, and if the application is for a license for a lodging or tenement house, hotel or boarding house, stating the number of persons who can be lodged therein.

SECTION 323. A lodging or tenement house, hotel, boarding house or restaurant license shall be issued upon the following express conditions, which shall be incorporated in the license, viz:

1—That the licensee shall not keep a noisy or disorderly house;

2—That no prostitute shall be allowed to reside therein or resort thereto;

3—That no intoxicating liquor shall be furnished or sold therein, except as authorized by law;

4—That no more persons shall at any time be lodged therein than are permitted by the license;

5—That the buildings and premises licensed shall be kept in good sanitary condition, in accordance with law, and with the orders of the agent of the Board of Health;

6—That the police and agents of the Board of Health shall at all times have access thereto for purpose of inspection;

7—That no gaming shall be allowed therein.

SECTION 324. Any person who shall keep a lodging or tenement house, boarding house, hotel or restaurant without a license under this Act, or who, holding a license, shall violate or fail to observe any of the requirements or conditions of this Act, or of his license, shall be fined not less than Five nor more than One Hundred Dollars, and the Court, in its discretion, may cancel his license.

SECTION 325. Nothing in this Act contained shall be construed to prevent a private family from incidentally taking not more than seven boarders or lodgers without taking a license hereunder.

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## CHAPTER 48.

### MILK.

SECTION 326. The annual fee for a license to sell milk shall be Two and One-Half Dollars.

SECTION 327. Any person who shall sell, or offer for sale, any milk which has been adulterated by the addition of water or other substance, or from which the cream has been skimmed or separated, unless the same is specifically and openly stated to be skimmed milk, shall be fined not more than Fifty Dollars.



SECTION 328. Any police officer or agent of the Board of Health shall have power to inspect and test any milk sold or offered for sale, and to confiscate any adulterated milk which he may find.

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## CHAPTER 49.

### NOTARIES PUBLIC.

SECTION 329. The annual fee for a license to act as notary public shall be Five Dollars.

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## CHAPTER 50.

### MERCHANDISE.

SECTION 330. The annual fee for a license to sell goods, wares and merchandise, to be known as a "merchandise license," shall be as follows:

If the annual gross sales for the previous twelve months, including tobacco, cigars, cigarettes, were or are estimated to be for the succeeding twelve months less than ten thousand dollars, the fee shall be Fifty Dollars. For sales exceeding ten thousand dollars, nor more than one hundred thousand dollars, the fee shall be One Hundred Dollars. For sales exceeding one hundred thousand dollars, nor more than five hundred thousand dollars, the fee shall be Two Hundred and Fifty Dollars, and for sales exceeding five hundred thousand dollars, the fee shall be Five Hundred Dollars.

SECTION 331. Any person desirous of obtaining a license to sell goods, wares or merchandise shall apply in writing to the License Collector, setting forth under oath the following facts, viz:

1—His name and nationality, if the application is in the name of a corporation or firm, or store name, such name, as well as that of the applicant in person shall appear in the

heading, and only an officer of a corporation and a member or other person authorized or empowered by letter to sign for a firm name, shall be allowed to sign or swear to an application;

2—The location where the licensed business is to be carried on;

3—The nature of the business and the kind of articles which he intends to sell;

4—Whether he has previously held a merchandise license, and if so, the number and date of the last such license held by him, the location of his place of business and the amount of the gross sales made by or for him during the preceding twelve months.

If he has not previously held a merchandise license, he shall state the amount of sales which he expects to make during the succeeding twelve months.

SECTION 332. No person holding a merchandise license under this Act shall permit any commercial traveller, or transient or other agent to work under his name or license.

SECTION 333. Any person who shall sell goods, wares or merchandise without a license under this Act, or who shall make any false statement in his application for a license, or who, holding such license, shall sell any article not permitted by his license to be sold, or who shall otherwise violate or fail to observe any of the terms, conditions or requirements of this Act, or of his license, shall be fined not exceeding One Thousand Dollars, or imprisoned at hard labor not exceeding six months, and in the discretion of the Court his license may be cancelled.

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## CHAPTER 51.

### TAILORING OR DRESSMAKING.

SECTION 334. The annual fee for a license to conduct or carry on a tailoring or dressmaking establishment or business

shall be Twenty Dollars; *provided, however*, that no license shall be necessary or required when the work of tailoring or dressmaking shall be done or performed in the private residence of another.

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## CHAPTER 52.

### POISONOUS DRUGS.

SECTION 335. The annual fee for a license to sell poisonous drugs shall be Fifty Dollars.

SECTION 336. Any person who shall sell or furnish any poisonous drugs without a license so to do, or who shall violate any of the terms of this Act, shall be fined not less than Fifty nor more than Five Hundred Dollars, or be imprisoned at hard labor not exceeding six months in the discretion of the Court.

SECTION 337. Nothing herein contained shall be construed to prevent the County or the Board of Health from using or distributing any drugs or medicines.

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## CHAPTER 53.

### PUBLIC SHOWS.

SECTION 338. The Tax Collectors of the respective Counties may license for any term not exceeding one year any theater, circus, public show, lecture or exhibition, not of an immoral character, to which an admission fee is charged, upon such conditions as he may deem reasonable.

SECTION 339. The fee for each performance under any such license shall be Five Dollars. But no fee shall be charged if the Tax Collector is satisfied that the entire proceeds of the performance or exhibition are to be devoted to any school, religious or charitable institution, or for the promotion of art and not for profit.

SECTION 340. The Sheriff and his deputies shall have the right to be present at and regulate any performance licensed under this Act in such manner as may be reasonably necessary for the preservation of order, decorum and the public peace or morals.

SECTION 341. Any person who shall set up, promote, exhibit or take part in any theater, circus, public show, lecture or exhibition without a license authorizing the same first having been obtained in accordance with the terms of this Act; or who, having obtained a license, shall violate any of the conditions thereof, or who shall misrepresent to the Tax Collector the character of the performance or exhibition to be given, with a view of obtaining a remission of the license fee, or for any other purpose, or who, having obtained a license, shall give any obscene, indecent or immoral performance or exhibition, or any performance or exhibition other than the one or ones authorized in such license, shall be fined not less than Ten Dollars, nor more than One Hundred Dollars, or imprisonment at hard labor for not more than six months in the discretion of the Court, and if he has a license, his license shall be cancelled.

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#### CHAPTER 54.

##### SALMON.

SECTION 342. The annual fee for a license to sell salmon shall be Ten Dollars.

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#### CHAPTER 55.

##### TOBACCO, CIGARS AND CIGARETTES.

SECTION 343. The annual fee for a license to sell tobacco, cigars and cigarettes shall be Ten Dollars.

SECTION 344. From and after the passage of this Act, it

shall be unlawful to sell or furnish tobacco in any shape or form whatever to minors under the age of fifteen years.

SECTION 345. Any person violating the provisions of Section 344 hereof shall be punished by fine not exceeding One Hundred Dollars, and if such offense be committed by any dealer licensed to sell tobacco, such dealer after the second offense shall forfeit his license.

SECTION 346. Jurisdiction is hereby conferred upon District Magistrates to hear and determine all cases arising under Sections 344 and 345 hereof.

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## CHAPTER 56.

### VEHICLES AND DRIVERS.

SECTION 347. The annual fee for a license to carry freight or baggage for hire or compensation in any County on any dray, cart, wagon, or other vehicle other than a hand-cart shall be Two and One-half Dollars for each vehicle so used.

The annual fee for a license to drive any licensed vehicle shall be One Dollar, and such license shall permit the licensee to drive any vehicle licensed under this Section.

SECTION 348. The annual fee for a license to carry passengers for hire in any vehicle shall be One Dollar for each person for which such vehicle has a carrying capacity.

SECTION 349. The Sheriff or Deputy Sheriff shall, before any license is issued for any passenger vehicle, inspect the vehicle for which a license is requested, and the harness and the animals to be used therewith, and if he shall find the same to be in good serviceable condition he shall deliver to the applicant therefor a certificate setting forth such fact, and the capacity of the vehicle. Such officer shall also examine any applicant for a driver's license, and if he finds such applicant to be a competent driver, and able to read and write the English or Hawaiian language, he shall give him a certificate to that effect.

No license shall be issued to any driver or for any passenger vehicle until the receipt by the Tax Collector of such certificate.

SECTION 350. The owner of a licensed vehicle shall continuously exhibit in a conspicuous place on every such vehicle, the number of the license issued for such vehicle.

Every licensed driver shall wear, while employed, a badge which shall be supplied by the Tax Collector at cost, showing his number.

SECTION 351. No licensed vehicle shall convey at any one time a greater number of passengers than the capacity enumerated in its license.

SECTION 352. Any person who shall in any district where a vehicle license is required, convey any passenger or freight for hire in any licensed vehicle, or who shall allow an unlicensed vehicle owned by him to be used for such purpose, or who, having a license, shall use a harness or animal which is not in good serviceable condition, or who shall drive a licensed vehicle without a driver's license, or who shall violate or fail to observe any of the requirements of this Act, shall be fined not more than Twenty-five Dollars for each such violation; and the license of any licensed vehicle or driver may, in the discretion of the Court, be cancelled.

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## CHAPTER 57.

### MARRIAGE LICENSES.

SECTION 353. It shall be the duty of the Tax Collector to grant marriage licenses in conformity with the laws; and for each license the said Tax Collector shall receive a fee of One Dollar to be paid by the party applying therefor.

## CHAPTER 58.

## PAWNBROKERS.

SECTION 354. Every person who shall advance for interest or for or in expectation of profit, gain or reward, any sum of money upon security of any goods or chattels whatsoever, taken by such person by way of pawn or pledge, shall be deemed and be taken to be a pawnbroker within the meaning of this Act; *provided* that nothing herein shall be held or construed to apply to loans or advances made on any goods or chattels, bonds, bills or other security taken by merchants, bankers, commission agents or auctioneers in the ordinary and *bona fide* course of mercantile or banking transactions.

SECTION 355. The Tax Collector is hereby authorized to grant licenses for the respective periods of one year to carry on the business of pawnbroking, upon payment of the sum of One Hundred and Fifty Dollars.

SECTION 356. Every such license shall be issued upon these express conditions set forth in such license.

That the person receiving such license shall not charge or receive interest at the rate of more than four per centum per month for any loan under Twenty Dollars, nor more than two per centum per month for any sum above Twenty Dollars, and under One Hundred Dollars, nor more than one per centum for any sum over One Hundred Dollars, nor exact any other gain, profit or reward by charging commissions, discount, storage or other charge, or by compounding or by any other device increasing such interest.

That he shall not sell any article pledged to him and unredeemed within six months after the last day fixed by contract for the redemption, nor make any such sale without publishing, at least twice in a newspaper published in the County, in English or Hawaiian, but if no newspaper is published in the County, then by posting such notice in three conspicuous places in the County, one of which shall be the County Court

House, at least ten days before such sale, a notice containing a list of the articles to be sold, and specifying the time and place of sale.

That he will disclose to the pledger or his agent the name of the purchaser and the price received by him for any article so pledged and sold.

That he will keep a register in the English language and enter in such register the date, duration, amount, rate of interest on any loan made by him, an accurate description of the property pledged, the name and residence of the pledger, and will deliver to the pledger a copy of such entries and will also enter in such register an account in writing of all sales made by him.

That he will produce for inspection his register and exhibit all articles received by him in pledge and his account of sales to any officer authorized under a search warrant to search for property or holding an order of a magistrate directing such officer to inspect such register or such articles pledged or such account of sales.

That he will notify the Sheriff of the County or his deputy of any offer made by any person to pledge any articles which licensee has reasonable cause to suspect of having been stolen.

SECTION 357. Any person who carries on the business of pawnbroker except by authority of the license provided for in this Act, shall be liable, upon conviction, to a fine not exceeding Three Hundred Dollars.

SECTION 358. Every licensed pawnbroker who shall fail to comply with any of the conditions mentioned in Section 356 shall, upon conviction, be liable to a fine not exceeding Three Hundred Dollars and shall forfeit his license.

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## CHAPTER 59.

### PEDDLING.

SECTION 359. The annual fee for a license to peddle cake shall be Ten Dollars.



SECTION 359a. The annual license to peddle merchandise shall be Fifty Dollars.

SECTION 360. License to peddle cake or merchandise shall be issued only upon the written recommendation of the Sheriff of the County for which the license is required; and shall license the peddler to peddle only in the County which is named in the license.

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## CHAPTER 60.

### INTOXICATING LIQUORS.

SECTION 361. All laws of the Territory now in force relative to the manufacture or sale of intoxicating liquors shall remain in full force and effect except as otherwise herein provided.

SECTION 362. All acts required by said laws to be done or performed by the Treasurer of the Territory shall be done and performed by the License Collector of the County for which any such license is applied for or issued, and all powers relative to the issuance of such license heretofore exercised by the Treasurer of the Territory shall hereafter be exercised by the License Collector of the County in which it is proposed to carry on such business.

SECTION 363. All license fees for the carrying on of any such business shall be paid to the County in which said business is being carried on.

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## CHAPTER 61.

### MEDICINE, SURGERY, PHARMACY AND DENTISTRY.

SECTION 364. All laws of the Territory now in force relative to licensing the practicing of medicine, surgery, pharmacy and dentistry in the Territory shall remain in full force and effect, except as otherwise herein provided.

SECTION 365. The duties required by such laws to be performed by the Minister of the Interior shall hereafter be performed by the Secretary of the Territory.

SECTION 366. The fees paid on account of such licenses shall be paid into the Treasury of the Territory.

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## CHAPTER 62.

### MISCELLANEOUS REGULATIONS.

SECTION 367. From and after the passage of this Act all persons holding a license for any class or kind of business shall keep such license exposed to view, in some prominent place convenient for inspection, on the premises for which the same is granted. Any failure to comply with the requirements of this Section shall, upon complaint, subject the person or firm under whose name the license is held to a fine not less than Ten Dollars or more than Fifty Dollars.

SECTION 368. If any person holding a license shall close out, transfer or assign the business for which his license is held during the term for which the same was issued, he shall within thirty days from the date of closing out, transfer or assignment notify the Tax Collector of such fact in writing, and return the license to the Tax Collector for cancellation, under a penalty of One Hundred Dollars.

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## TITLE 6.

### PUBLIC WORKS AND INSTITUTIONS.

## CHAPTER 63.

### HIGHWAYS AND BRIDGES.

SECTION 369. The Board of Supervisors of each County shall have general superintendence and maintenance of the improvements of the County.

SECTION 370. The Board of Supervisors shall, at its first meeting after its organization, appoint a Road Supervisor for each district within its County, who shall receive such compensation as such Board may determine; they shall hold their office for the term of two years and until their successors are appointed and qualified. They shall perform the duties prescribed by the present laws of the Territory, subject to the provisions hereinafter contained.

SECTION 371. The Board may at any time in its discretion remove from office any such Road Supervisor, and shall have power to fill vacancies caused by death, resignation or removal.

SECTION 372. The District Road Supervisor shall have charge and control of all public labor on all roads, bridges and public highways within their respective districts, and shall expend all moneys appropriated by the Board of Supervisors for the purpose of making and repairing such roads and bridges, at such times and in such amounts as the respective Road Supervisors may decide. The respective District Road Supervisors may employ such overseers and clerical and other assistance as shall be necessary, the costs of which shall be paid by the County; *provided, however*, that nothing herein contained shall be construed to dispense with the requirements of Subdivision 2, Section 22, relative to advertising for bids.

SECTION 373. Each District Road Supervisor shall, before entering office, file in the office of the County Clerk a bond, with sufficient sureties, to the Territory in a penal sum to be fixed by the Board of Supervisors, and not to be less than One Thousand Dollars; conditioned for the faithful accounting for and disposition of the moneys which shall be paid to him or his order.

SECTION 374. All road taxes collected in any County shall be paid into the treasury thereof; the amount so paid in from each district shall be a special deposit in the County Treasury to the credit of such District, to be paid out only on account of improvements on roads or bridges within the Dis-

trict. No claim for the making of such improvements shall be allowed, unless the account be approved by the County Road Supervisor.

The County Treasurer shall under no circumstances allow such special deposits or any part thereof to be used for any other purpose than for improvements on roads and bridges within said District.

SECTION 375. Each District Road Supervisor shall at the end of each month send the Board of Supervisors a detailed statement of the work done in his District during the month; and also a detailed statement, setting forth all receipts and expenditures.

SECTION 376. The Board of Supervisors may at any time remove any District Road Supervisor for failure or neglect to perform the duties of his office.

Upon the petition of twenty-five or more taxpayers of any district making charges against any District Road Supervisor, and asking for his removal, the Board of Supervisors shall cause the charges to be investigated, and if, upon investigation, it shall appear that such District Road Supervisor has failed or neglected to perform the duties of his office, the Board of Supervisors may remove him. All vacancies shall be filled by appointments of the Board of Supervisors.

SECTION 377. The County Surveyors shall render such assistance as may be required by the District Road Supervisor in designing and making specifications for bridges, and the execution of any engineering work.

SECTION 378. If the road tax money for any district shall be insufficient to keep the roads in such district in repair, the District Road Supervisor for such district shall report such fact to the Board of Supervisors, and make a statement of estimated requirements; and said Board may by order duly entered authorize such District Road Supervisor to incur on account thereof an expense in such further sums as the condition of the County Treasury will warrant.

SECTION 379. All laws of the Territory heretofore relating to opening, improving and closing highways shall remain in full force and effect; save and except that all duties relative to opening, improving and closing highways heretofore required to be performed by the Minister of the Interior or Superintendent of Public Works, shall be performed by the Board of Supervisors of the County in which such highways are located; all duties required to be performed by the Marshal or Sheriff shall be performed by the Sheriff of such County.

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## CHAPTER 64.

### TERRITORIAL BOARD OF PUBLIC INSTITUTIONS.

SECTION 380. The Governor, Secretary, Treasurer, Auditor, Superintendent of Public Instruction and Attorney-General of the Territory shall constitute and hereafter be known as the Board of Public Institutions.

SECTION 381. The said Board shall, besides such other duties as may be conferred upon it in accordance with law, have:

1. Supervision and control of all charitable, reformatory and penal institutions established and supported by the Territory;

2. General supervision and control of the Executive and Judiciary buildings in Honolulu; provided, however, that the County of Oahu shall pay to the Territory such rent as shall be agreed upon between the Board of Supervisors of the County of Oahu and the said Territorial Board for such parts of such Judiciary building as shall be used for the county purposes or for the offices of county officers;

3. General supervision and control of all buildings and institutions belonging to or used by the Territory for chari-

table, penal, or reformatory purposes, including the Insane Asylum, the Territorial Penitentiary and houses of correction;

4. General supervision and control of all harbors and wharves within the Territory, and of all matters of pilotage or towage under the laws of the Territory;

5. General custody, charge, supervision and control of all buildings and institutions, and grounds thereto belonging, coming under the provisions of this Chapter. The Board shall be responsible for the proper keeping and repair of the same; and by one or more of its members, at least once a year, shall inspect all buildings of which they have the custody and charge.

SECTION 382. The Board shall have power to direct the general management of all Territorial institutions, and shall be responsible for the proper disbursement of all funds appropriated for their maintenance, which funds shall be paid out on warrants of the Territorial Auditor upon the Territorial Treasurer. The Board shall have power to appoint all officers of penal, charitable or reformatory institutions and to prescribe their duties and compensation when not otherwise fixed by law.

SECTION 383. The Board shall require the Sheriff of each County to report on the first day of January and July in each year, the number of persons confined in the County Jail, their age, mental condition, habits of sobriety or inebriety, religious belief, if any, occupation, nativity, and whether, if ascertainable, ever before convicted of crime; and if so, of what crime, their term of imprisonment, general conduct, and the actual cost of their diet and medical attendance, also the condition of the jail as to safety and convenience, and the general health of the prisoners. It shall be the duty of the sheriffs to furnish such reports and the Board shall prepare and adopt suitable blanks for that purpose, to be furnished to the several sheriffs in the Territory.

SECTION 384. It shall be the duty of the Board, either by direct expenditure or contract, to provide for the care, maintenance and employment of all inmates confined in the Penitentiary, Houses of Correction, or any penal or reformatory institutions in the Territory.

SECTION 385. The Board may contract with the United States for the maintenance, care and employment of convicts, under laws of the United States.

SECTION 386. The Secretary of the Territory shall be Secretary of the Board, and shall keep a careful record of transactions of the Board in a substantial and bound book, and which shall be known as the record of proceedings of the Territorial Board of Public Institutions; he shall countersign all papers, instruments or documents approved, made or directed by the Board. He shall also, for the Board, and under its directions, make a report to the Governor during the last week in December in each year, showing clearly the condition of all the institutions under control or supervision of the Board, giving the number of inmates therein, their age, sex, condition, religious belief, conduct and other matters pertaining thereto, and such recommendations as the Board may see fit to make to the Governor to ameliorate the condition of the inmates of such institutions, tend to prevent crime, or as the claims of humanity and the public good may require.

SECTION 387. The Board shall meet at least once in each month, on the first Monday thereof, for the transaction of business. The Governor shall be President of the Board, and it shall be his duty to sign all papers or documents approved, made or directed by the Board. Any four of the Board shall constitute a quorum for the transaction of business at any regular or special meeting, and the Board may provide for a president *pro tem*.

SECTION 388. The President shall have the power to call the Board together in special meeting, if, in his judgment, the public good requires. The object of such meeting shall be recorded by the Secretary of the Board.

SECTION 389. No money shall be expended by the Territorial Board of Public Institutions for any of the institutions under its control, unless appropriated by law.

SECTION 390. It shall be the duty of the Board to include in its annual report to the Governor, an itemized account of all expenditures made during the current year for institutions under its supervision, making a complete and separate statement of expenditures for each institution, according to the appropriation made, so that the cost of the support and maintenance of the same may be easily ascertained. It shall also include in its report in each even numbered year an itemized estimate of the amount deemed necessary by the Board to be appropriated for the support and maintenance of each institution for the ensuing two years, which estimate shall be made and itemized according to the appropriations for the two preceding years, so that it may readily be compared with the expenditures and appropriations for those years.

SECTION 391. All appropriations for the support and maintenance of penal, charitable and reformatory institutions under the supervision of the Territorial Board of Public Institutions, shall state separately the amount appropriated for each institution; and it shall be the duty of the Territorial Auditor to keep a separate account of each appropriation and all expenditures in connection therewith.

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## CHAPTER 65.

### JAILS, HOUSES OF CORRECTION AND PENITENTIARY.

SECTION 392. Each Board of County Supervisors shall have the power to erect suitable jails and station houses necessary for the safe keeping and governing of all persons duly committed thereto.

SECTION 393. The Sheriff of each County shall be responsible for the safe keeping of all persons committed to the



County jail, and he shall have the appointment of such number of jailors and other prison officers, to be paid by the County, as may be determined by the Board of Supervisors of each County; and shall have the power to discharge the same. The jailors and other officers shall be men of honesty, sobriety and industry; their compensation shall be determined by the Board of Supervisors.

SECTION 394. All laws of the Territory now in force concerning the government of prisons and the employment of prisoners confined therein, are hereby made applicable to the government of the jails provided for by this Chapter, and to the employment of prisoners confined therein; *provided, however*, that all acts required by said laws to be done by the Minister of the Interior, or the Attorney-General, shall be performed by the Board of Supervisors of the County in which such jail is located, and all acts required by said laws to be done by the Sheriff of the Territory, shall be performed by the Sheriff of the County.

SECTION 395. All persons convicted of violation of the statutes of the Territory who shall be sentenced to confinement for less than one year shall be imprisoned during the term of such sentence in the County jail of the County in which he is convicted; and all prisoners sentenced to confinement for more than one year shall be confined in the penitentiary of the Territory.

The penitentiary of the Territory shall be in Honolulu. Until otherwise provided by law, the Oahu Prison shall be used as the Territorial Penitentiary, and also as the County Jail of the County of Oahu.

SECTION 396. Except as herein otherwise provided, all buildings now used as prisons shall pass under the control of the Board of Supervisors of the County in which the same are located and until otherwise provided by law or by order of the Board of Supervisors, shall be used as a place of confinement for persons sentenced to imprisonment in the jail of such County.

**SECTION 397.** The Territorial Penitentiary shall be under the control and management of the Territorial Board of Public Institutions. The Board shall appoint a Warden of the penitentiary, who, with the approval of the Board, shall appoint and may discharge all necessary guards and employees.

**SECTION 398.** The expense of maintaining jails shall be borne by the respective counties in which they are located. The expense of maintaining the Territorial Penitentiary shall be borne by the Territory. In the County of Oahu, the Warden of the Territorial Penitentiary shall be the County Jailor, and the County of Oahu shall pay to the Territory for the maintenance of prisoners confined in said penitentiary under sentence for a less period than one year a certain amount per day to be agreed upon between the Board of Supervisors of the County of Oahu and the Territorial Board of Public Institutions. It shall be the duty of the Warden of the Territorial Penitentiary to provide a place in said penitentiary for the confinement of persons sentenced in Oahu County for less than one year, which shall be separate and apart from the place provided for the imprisonment of persons under sentence of imprisonment for a longer time.

**SECTION 399.** Whenever a District Magistrate or Judge of a Circuit Court shall sentence any person to imprisonment, the sentence shall state whether such imprisonment shall be in the County Jail or Territorial Penitentiary. In the County of Oahu, when any person shall be sentenced to imprisonment for less than one year the sentence shall state that such confinement is to be in the County Jail of Oahu County, and not in the Territorial Penitentiary, the said penitentiary, for such purposes, being hereby declared to be a County Jail.

**SECTION 400.** It shall be the duty of the Territorial Board of Public Institutions to erect and maintain suitable places as houses of correction for the confinement of persons sentenced thereto under the laws of the Territory of Hawaii. The said Board shall have the government of such institutions.

The cost of erecting and maintaining the same shall be borne by the Territory.

SECTION 401. Nothing in this Act shall be construed to repeal the provisions of Chapter 7 of the Session Laws of 1888, relative to the appointment of Prison Inspectors, and the duties of such inspectors; *provided, however*, that all acts required by said Chapter to be performed by the Minister of the Interior shall be performed by the said Board of Public Institutions; and *provided, further*, that wherever in said Chapter the words "Oahu Prison" occur, they shall be held to mean the Territorial Penitentiary.

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## CHAPTER 66.

### HARBORS AND WHARVES.

SECTION 402. Nothing herein contained shall be construed to give the Board of Supervisors of any County any control over harbors or wharves or pilots. All laws of the Territory now in force relative to harbors, wharves and pilots shall remain in full force and effect, except as herein otherwise provided.

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## CHAPTER 67.

### PUBLIC SCHOOLS.

SECTION 403. The management of all public schools of the Territory shall be and remain with the Board and Officers provided by law.

SECTION 404. The expense of conducting said schools shall be paid by the Territory.

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## CHAPTER 68.

### FIRE APPARATUS AND FIRE DEPARTMENTS.

SECTION 405. All apparatus used for extinguishing fires, and all fire alarm systems used in connection therewith shall,

upon the taking effect of this Act, pass under the control of the Board of Supervisors of the County in which the same have been used.

SECTION 406. All laws now in force relative to the management of fire departments now in existence, and the control of the apparatus and fire alarm system are hereby continued in force; *provided, however*, that all powers and duties which by said laws are vested in the Superintendent of Public Works shall be exercised by the Board of Supervisors of the County in which said fire apparatus and systems are at present situate and being used.

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## CHAPTER 69.

### WATER WORKS.

SECTION 407. The Board of Supervisors of each County shall have the general charge of all pipes or conduits of water to supply the inhabitants of their County with water, and for that purpose shall take control of all existing public water works and systems.

SECTION 408. It shall be the duty of said Board to appoint a Superintendent of Water Works, who shall receive for his compensation such sums as may be fixed by the Board, not exceeding, however, a salary of Three Thousand Dollars a year. He shall make, under oath, a quarterly return, or at any time required by the Board of all his receipts and expenditures. He shall be required by said Board to give bond in such amount, and in such form as shall be determined by it.

It shall be his duty to keep the conduits or pipes for the conveyance of water in repair; to collect all water rates from ships and persons in his County, and to perform such other duties in connection therewith as the said Board may prescribe.

Under the direction of the Board, the Superintendent of

Water Works in each County shall employ such assistance and make such expenditures as may be necessary to carry on such Water Works and keep the same in proper repair.

The Board may from time to time regulate the rate to be paid for water, and whenever such rate shall be changed, notice thereof shall be duly advertised, not less than once a week for at least four weeks, in the Hawaiian and English languages, in some newspaper published in the County, and if there be no newspaper, then by three or more notices in the Hawaiian and English languages, posted in public places, for at least four weeks. Until otherwise provided by the Board the rate for water rates shall be as at present established under the direction of the Superintendent of Public Works.

SECTION 409. Applications for a permanent supply of water from any County or source of supply, shall be in writing, signed by the applicant. Such application shall be upon a printed form to be supplied by the Board, and shall contain a statement of the terms and conditions upon which the water may be used. If permission shall be granted, the applicant shall be furnished with a duplicate of the form of application, and shall be entitled to a water privilege as specified in such application. Water rates shall be payable half yearly in advance, on the first day of January and the first day of July of each year, to the Superintendent of Water Works.

The Superintendent of Water Works shall, at least ten days before such water rates shall be payable, notify all persons holding water privileges as aforesaid, by advertisement in one or more newspapers, published in the English and Hawaiian languages or by three or more notices posted in some public place, if there be no newspaper, that such rates are payable on the first day of January or July, as the case may be, next following such notice.

SECTION 410. If such rate shall remain unpaid for fifteen days after it is due, ten per cent. in addition to the regular rate shall be charged to and become due by the person holding such privilege, and the superintendent may forthwith,

without notice, shut off the water from such privilege, charging the expense for so doing to the person holding the privilege.

SECTION 411. In addition to the notice heretofore required to be given by the Superintendent of Water Works, he shall also on or before the first day of July and January in each year, mail to each ratepayer a notice that his rate is due, and the amount thereof.

SECTION 412. The Board may from time to time make such further rules and regulations for the water supply system as shall be necessary, not in any case to conflict with the provisions of this Act.

SECTION 413. All water rates collected under the provisions hereof, shall be paid daily by the Superintendent of Water Works, and the superintendent shall make a monthly return, under oath, of the receipts so paid over.

SECTION 414. All powers of the Superintendent of Public Works, relative to any of the water works systems in the Territory are hereby transferred from the Superintendent of Public Works to the Board of Supervisors of each County in which the same are situated.

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## CHAPTER 70.

### LIGHT.

SECTION 415. All apparatus and equipments used by the Government of the Territory lighting streets or public buildings shall, upon the taking effect of this Act, pass under the control of the Board of Supervisors of the County in which the same have been used.

SECTION 416. All laws now in force relative to the management of such apparatus now in existence, and the control of the same, are hereby continued in force; *provided, however,*

that all powers and duties which by said laws are vested in the Superintendent of Public Works shall be exercised by the Board of Supervisors of the County in which said apparatus and equipment are now situate or used.

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## CHAPTER 71.

### MARKETS.

SECTION 417. All laws of the Territory relative to public markets shall remain in full force and effect save as herein otherwise provided.

SECTION 418. All public markets now established shall pass under the jurisdiction of the Board of Supervisors of the County in which the same are located.

SECTION 419. All acts required by said laws to be performed by the Minister of the Interior or Superintendent of Public Works, or by any Territorial officer, shall be done by the Board of Supervisors.

SECTION 420. All fees shall be paid into the County Treasury.

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## CHAPTER 72.

### WEIGHTS AND MEASURES.

SECTION 421. All laws of the Territory relative to weights and measures shall remain in full force and effect, save as herein otherwise provided.

SECTION 422. All of the duties heretofore required by any of said laws to be performed by the Superintendent of Public Works or the Minister of the Interior, shall be performed by the County Clerk of the County in which said weights and measures are presented to be tried.

SECTION 423. All fees from such inspection shall be paid into the County Treasury.

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## CHAPTER 73.

### POUNDS AND BRANDS.

SECTION 424. All laws of the Territory relative to pounds and brands shall remain in full force and effect, save as herein otherwise provided.

SECTION 425. All acts heretofore required by any laws to be done by the Superintendent of Public Works shall be done by the Board of Supervisors.

SECTION 426. All costs relative to pounds and brands shall be borne by the County, and all fees arising therefrom shall be paid into the County Treasury.

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## TITLE 7.

### ELECTION.

## CHAPTER 74.

### APPLICATION OF EXISTING LAWS.

SECTION 427. Save as otherwise herein provided all laws of the Territory relative to elections shall govern and be held applicable to the election of County officers provided for by this Act.

SECTION 428. Elections of County officers shall be held at the same time as elections for Representatives and Senators.

SECTION 429. The precincts and polling places established by the laws of the Territory for the election of Representatives and Senators shall constitute the precincts and polling places for the election of County officers.



SECTION 430. All persons duly registered under the laws of the Territory relative to the election of Representatives and Senators, shall be qualified to vote for County officers in the County and District in which such voters reside.

SECTION 431. No special boards of registration shall be required for the registration of voters for County officers, but such voters may register before the Boards of Registration provided for by the laws of the Territory relative to the election of Senators and Representatives.

SECTION 432. The books and blanks required by law shall be prepared in such manner as to include elections for County officers.

SECTION 433. The lists required by law to be furnished by the Tax Assessor, shall be furnished by the Tax Assessor of each County to the appropriate Boards of Registration in his County.

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## CHAPTER 75.

### NOMINATIONS AND WITHDRAWALS.

SECTION 434. No person shall be permitted to be a candidate for election for any County office unless he shall be nominated and requested in writing, signed by not less than twenty-five duly qualified electors of the County in which he is requested to be a candidate. Nominations for County officers shall, except as hereinafter provided, be deposited with the County Clerk not less than thirty days before the day of the general election, or twenty days prior to a special election. Each nomination shall be accompanied by a deposit of Twenty-five Dollars, on account of expense of election, which shall be paid into the County Treasury. Upon receipt at the County Clerk's office of the name of the candidate, the day and hour and minute when it was received shall be entered thereon; *provided, however*, that in case of the withdrawal or death of the candidate, a nomination to replace the name of the person who has died or withdrawn may be made irrespective of such

limitation of time, with the inspectors of election of the County within which such withdrawal or death occurred, and the fee herein required deposited with them. In such case a voter while voting may write the name of any such new candidate upon the ballot and vote for it as herein provided.

SECTION 435. Any candidate for a County office may withdraw before an election by giving notice to the County Clerk in writing. If any candidate withdraws after the printing of the ballots, he shall also notify in writing the Inspectors of Election in the County in which he was a candidate, and the Inspectors of Election shall post, before the opening of the polls on election day, a notice of such withdrawal or of the death of any candidate, and also the name of any new candidate at the polling places.

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## CHAPTER 76.

### MANNER OF HOLDING ELECTIONS.

SECTION 436. Each candidate for a County office shall have the same rights relative to assistance at the polls as candidates for Senators and Representatives have under the provisions of law. Within the time and in the manner required by law, each candidate or agent or committee acting for any candidate shall file with the County Clerk the itemized statement required by law, and if no expenses have been incurred, then the statement required by law shall be filed by the candidate with the County Clerk. The expenses legally incurable by such candidate are as by law provided.

SECTION 437. If it shall appear by returns made in the manner required by law, that there has been a failure of election of any County officer by reason of a tie vote between two or more candidates, a special election to fill such vacancy shall be ordered by the Board of Supervisors, which shall be held in the manner required by law.

SECTION 438. At least sixty days before general elections and forty days before special elections, the Board of Supervisors, shall issue election proclamations concerning County elections, and transmit copies of the same to the several boards of inspectors throughout their County.

SECTION 439. Such proclamation shall be posted in the manner required by law.

SECTION 440. The returns of elections required by law to be by the boards of inspection returned to the Sheriff of the Island and to the High Sheriff of the Territory, shall be hereafter returned by said board to the County Clerk of the County in which such election is held, and the ballots required by law to be preserved and transmitted to the Secretary of the Territory, and the electoral lists and records concerning the election, and copies of the statements concerning the results of the election, required by law to be transmitted to said Secretary, shall hereafter be transmitted to the County Clerk.

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## CHAPTER 77.

### BALLOT BOXES.

SECTION 441. The ballot boxes required by law to be furnished by the Secretary of the Territory shall hereafter be furnished for each polling place by the Board of Supervisors of the County in which such polling place is located. In addition to the ballot boxes required by law to be furnished for each polling place, the Board of Supervisors shall furnish one other box to be marked "County Officers."

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## CHAPTER 78.

### BALLOTS.

SECTION 442. The Board of Supervisors shall cause to be prepared ballots containing the names of the persons to be

voted for County officers; said ballots shall be furnished to the board of inspectors at the same time at which ballots for the election of Senators and Representatives are now required by law to be furnished, and in the form prescribed by law for said officers.

SECTION 443. Ballots for County officers shall be of blank paper and shall be of uniform size, weight, shape, thickness and color.

SECTION 444. The form of such ballots, and the arrangement of the name of the candidate shall be as provided by law.

SECTION 445. County ballots shall be furnished at the expense of the County, and the number to be sent to each precinct established by law shall be as is now provided by law in relation to ballots for Senators and Representatives.

SECTION 446. Ballots for County officers shall be fastened together by the County Clerk, and forwarded by him, and a record thereof shall be kept by him in the same manner as is provided by law.

SECTION 447. The Board of Supervisors shall cause to be supplied to the several Boards of Inspectors blank ballots for the election of County officers in the manner required by law for the election of Senators and Representatives.

SECTION 448. When any duly qualified voter shall offer to vote there shall be delivered to him by the Chairman of Inspectors, in addition to the ballot required by law, a ballot for County officers, which shall be used by the voter and marked in the same manner as is required by law for the use and marking of ballots for Senators and Representatives.

SECTION 449. The ballots shall be counted in the same manner as is required for the counting of ballots for Senators and Representatives.

## CHAPTER 79.

## RETURNS.

SECTION 450. At completion of the counting, after the closing of the ballots and public announcement of the same, the Board of Inspectors shall immediately, in the presence of the candidates or their agents, and of any voters desiring to be present, make up into a packet all of the ballots sent to the Inspector, either by the Secretary of the Territory or by the Board of Supervisors, including all blank ballots whether used or not; and all printed ballots used, cancelled or rejected, together with the registry of voters received from the Board of Registration, and the list of voters and all other records appertaining to the election. Such packet shall be sealed by the Inspectors with their own seal or seals, and the seals of such candidates or agents of candidates as may desire to seal the same, The Inspector shall mark such packet on the outside with the name and title of the County Clerk, and the description of the contents thereof substantially as follows, viz:

Records of Election for.....District:  
 Polling Precinct....., County.....  
 and immediately forward same to the County Clerk. Such packet shall not be opened or examined except in the presence of the Judge of the Circuit Court; and after examination, it shall be re-sealed in the presence of such judge. After the next general election the ballots may be destroyed by the County Clerk, and the other election records opened and filed in his office.

## CHAPTER 80.

## CANVASS AND CERTIFICATES OF ELECTION.

SECTION 451. Upon receiving the returns of election of the several boards of election of any election district, the County Clerk shall immediately tabulate such returns and ascertain the result of the election. Such tabulation shall be made in the presence of any candidate or agents of candidates who

desire to be present. The number of persons to be elected receiving the highest number of votes for County officers shall be declared to be elected, and the County Clerk shall immediately deliver to the persons elected certificates of election. The County Clerk shall from such returns make out a certificate showing the votes cast in each polling precinct in his County for all candidates for Senators and Representatives, and Delegate to Congress, which shall immediately be forwarded by the Clerk to the Secretary of the Territory.

SECTION 452. Upon receipt of the returns from all County Clerks it shall be the duty of the Governor and the Secretary of the Territory to canvass the same, and to cause to be issued to those found to be elected as Senators, Representatives and Delegates to Congress, a certificate of election, in such form as they may decide.

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## CHAPTER 81.

### EXPENSES.

SECTION 453. All election expenses, including pay of Board of Registration and Board of Inspectors, shall be borne by the County in which such elections are held, except the cost of printing ballots for Senators, Representatives and Delegates to Congress, which shall be borne by the Territory.

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## CHAPTER 82.

### CONTESTS.

SECTION 454. Save as herein otherwise provided, any candidate for any County office may contest any election therefor in the manner provided by law.

SECTION 455. In all contests relative to County officers, the petition required by law to be filed in the Supreme Court shall be filed in the Circuit Court in such County, and such Circuit

Court shall have such jurisdiction relative to such contests as is given to the Supreme Court by law. It shall report its finding and judgment relative thereto to the Board of Supervisors of the County, which shall have the same powers relative thereto as are by law vested in the Minister of the Interior.

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TITLE 8.

SCHEDULE.

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CHAPTER 83.

ELECTION.

SECTION 456. This Act shall take effect at the time and in the manner hereinafter set forth.

SECTION 457. For the purpose of electing County officers an election shall be held on November 3, A. D. 1903.

It shall be the duty of the Governor, at least sixty days prior to the third day of November, A. D. 1903, to issue proclamation for election of County officers provided for by this Act. Such proclamation shall contain a statement that an election will be held on the third day of November, A. D. 1903, for the election of the County officers herein provided for, naming the offices to be filled. The proclamation shall call for an election in each County, and in other respects shall be the same as the proclamation now required by law to be issued for holding general elections; it may also contain such other relevant matter as may be deemed proper by the Governor.

SECTION 458. Such proclamation shall be published in the manner now required by law for the publication of proclamations for general elections.

SECTION 459. Nomination for County officers to be elected at such elections shall be made in the same manner, and within the same time, and filed with the same officer as is now required by law relative to nominations for Senators and Repre-

sentatives, save as herein otherwise provided. The electors qualified to make such nominations shall be electors of the County for which such election is held. Nominations shall be accompanied by the same deposit as now required by law. All laws of the Territory relative to withdrawals or deaths of candidates shall likewise govern.

SECTION 460. It shall be the duty of the Secretary of the Territory to prepare ballots for each County, and to forward the same to the Inspectors of Election in each County. Such ballots shall be of white paper. The contents shall be as provided by law, except that the ballots shall not contain the "term or terms of the respective officers voted for." The arrangement of names on the ballots, the arrangement of said ballots, and blank ballots shall be prepared as provided by law.

SECTION 461. The Secretary of the Territory shall furnish for such election suitable ballot boxes, as provided by law.

SECTION 462. All persons shown by the records to have been qualified voters at the general election in the year 1902, shall be qualified to vote at such election. The lists forwarded by the Inspectors of Election to the Secretary of the Territory, after the election, shall be forwarded by the Secretary at some time prior to the election, in order that the Inspectors may be provided with lists of all persons qualified to vote.

SECTION 463. The polling precincts for such election shall be the same as those established for the general election in the year A. D. 1902.

SECTION 464. The Inspectors of Elections shall perform all the duties in relation to such election required by law except that the information required to be transmitted to Sheriffs shall be transmitted to the Secretary of the Territory.

SECTION 465. All of the provisions of law relating to general elections are hereby declared to be applicable to such election.



SECTION 466. All of the provisions of law are hereby declared to be applicable to such election, except that all records or information thereby required to be forwarded to any sheriff, shall instead be forwarded to the Secretary of the Territory.

SECTION 467. Immediately upon receiving the returns of election from the several boards of inspectors of any County, the Secretary of the Territory shall tabulate such returns and ascertain the result of the election in such County. The persons receiving the highest number of votes in such County shall be declared to be elected, and the Secretary shall immediately deliver to the persons elected certificates of election.

SECTION 468. Such certificates of election shall be substantially in the following form:

I, ....., Secretary of the Territory of Hawaii, do hereby certify that ..... was on the 3rd day of November, A. D. 1903, duly elected ..... of the County of ..... for a term expiring on the ..... day of January, A. D. 1905.

Witness my hand and the seal of the Territory this ..... day of November, A. D. 1903. ....,

Secretary of the Territory.

SECTION 469. It shall be the duty of the Secretary of the Territory to provide all necessary blanks and records for holding said election.

SECTION 470. All expense of holding said election shall be borne by the Territory.

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## CHAPTER 84.

### TERM OF OFFICE.

SECTION 471. All County officers elected at said election shall assume the duties of their office on the fourth day of January, A. D. 1904, and continue therein until the 2nd day

of January, A. D. 1905. And this Section shall include all members of the Board of Supervisors elected at said election.

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## CHAPTER 85.

### QUALIFICATION OF OFFICERS.

**SECTION 472.** At any time prior to the fourth day of January, A. D., 1904, the persons elected members of the Board of Supervisors and receiving certificates of election, shall tender the bond required by the provisions of Chapter 13, Title 3, to the Judge of the Court, as required therein, and upon the bond being approved, shall take the oath of office required by the provisions of Chapter 11, of Title 3.

**SECTION 473.** On the fourth day of January, A. D. 1904, the Board of Supervisors shall organize as required by this Act. After organization it shall be the first duty of said Board to act on the bond of the County Clerk; and any bond tendered by any County Clerk elected at the election provided for in this schedule, shall be sufficient in so far as the amount thereof is concerned, if in the sum of Five Thousand Dollars. When the bond of such officer is approved the Board shall proceed to consider the bonds of other officers. No order of the Board shall be necessary to fix the amount of the bonds of any such officers, except Treasurer and Tax Collector, but the amount shall be the minimum fixed by Section 61 of this Act. In fixing the amount of the bonds of Treasurer and Tax Collector, the Board shall act upon the best information it can secure as to the greatest amount of money which may be in the hands of any such officer at any time during his term of office.

**SECTION 474.** Should any person elected to office die before qualifying, or should any assessor fail to qualify within ten days, and any other such officer within thirty days of said fourth day of January, A. D. 1904, such office shall become vacant, and the vacancy caused thereby shall be filled according to the manner provided in Section 15, Chapter 5, of this Act, relating to the Board of Supervisors.

SECTION 475. It shall be the duty of the Board to proceed as expeditiously as possible to the appointment of all officers and boards required by the terms of this Act to be appointed by such Board, and to do all other acts required by the terms of this Act to be performed by them for the proper organization and conduct of the affairs of the County. *Provided, however,* that all the officers or boards required by this Act to be appointed by the Boards of Supervisors for the term of two years, shall hold office under the appointment made by the first board elected under the provisions hereof only until the second day of January, A. D. 1905, unless sooner removed according to law, and until their successors are elected and qualified.

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## CHAPTER 86.

### TRANSFER OF PROPERTY.

SECTION 476. All property in the hands of any road authorities within the Territory on the fourth day of January, A. D. 1904, shall become the property of the County in which the same is then located and shall be used for road or bridge purposes. It shall be the duty of the Superintendent of Public Works of the Territory to have made an inventory of all property in the control of his department used for road and bridge purposes, which inventory shall show in what part of the Territory such property has been used; and it shall be the duty of the several Road Supervisors appointed under the provisions of this Act, to take possession, for the benefit of the County, of all such property within their respective districts; they shall give to the persons from whom they receive possession thereof a receipt therefor, enumerating the property received, which receipt shall be forwarded by the person receiving the same to the Superintendent of Public Works.

SECTION 477. It shall be the duty of the Sheriff of the County, immediately on assuming the duties of his office, to take possession of all jails within his County, and all property used in connection with such jails, including any system of

police alarm or patrol within said County: *Provided, however,* that the provisions of this Section shall not apply to the County of Oahu in so far as the actual possession of the jail in Honolulu is concerned, but shall apply to said County in all other respects. All property so transferred shall be the property of the County and subject to the control of the Board of Supervisors of such County. It shall be the duty of the High Sheriff of the Territory of Hawaii to make an inventory showing all jails and property used in connection therewith, under his control on the fourth day of January, A. D. 1904. The Sheriff taking possession of such jails and the property used in connection therewith, shall give the person from whom such property is taken, a receipt therefor, which shall be forwarded to the Attorney-General of the Territory.

SECTION 478. It shall be the duty of all persons appointed by the Board of Supervisors under the provisions of this Act to have control of fire apparatus and equipment within any County of the Territory immediately upon the appointment and qualification, to take possession of such fire apparatus and equipment from the persons having possession of the same at the time. It shall be the duty of the Superintendent of Public Works to make an inventory of such fire apparatus and equipment, showing the County in which the same is situated. The person or persons delivering possession of such fire apparatus and equipment shall take a receipt from the person or persons receiving the same, which receipt shall be forwarded to the Superintendent of Public Works.

SECTION 479. It shall be the duty of the Superintendent of Water Works in any County, appointed by the Board of Supervisors, upon his appointment and qualification, to take possession of all public water works within his County, and all property of every nature used in connection with the same. It shall be the duty of the Superintendent of Public Works to make a statement and inventory relative to such water works in each County setting forth the property in possession of the Territory used for such purposes on the fourth day of January, A. D. 1904. The person or persons taking possession of such water works and the property used in connection therewith, shall give to the person or persons delivering pos-

session thereof a proper receipt therefor, which shall be forwarded to the Governor.

SECTION 480. It shall be the duty of the person or persons appointed by the Board of Supervisors to take charge of the lighting system in any County, upon their appointment and qualification to take possession of all property in the County used for such lighting purposes. It shall be the duty of the Superintendent of Public Works to make an inventory of such property, showing where the same is located. The person or persons taking possession thereof shall give to the person or persons delivering possession, a proper receipt therefor, which shall be forwarded to the Governor.

SECTION 481. It shall be the duty of the person or persons appointed by the Board of Supervisors to have control of public markets, to take possession of all property in the County used in connection therewith, as soon as such persons shall have been appointed and qualified. It shall be the duty of the Superintendent of Public Works to make an inventory of such property, showing where the same is located. The person or persons taking possession thereof shall give to the person or persons delivering possession, a receipt therefor, which receipt shall be forwarded to the Governor.

SECTION 482. All property now in the possession of any officer of the Territory which has been used in connection with any public works or institutions which by the terms of this Act are placed under the jurisdiction of the several Counties shall, by the officers of the Territory having possession of the same on the fourth day of January, A. D. 1904, be delivered to the officer or Board of the County by this Act having jurisdiction of such public works or institutions, the officer or Board receiving the same shall deliver a receipt to the person or persons delivering the same, which shall be forwarded to the Territorial officer heretofore having jurisdiction over such matters; it being the intention of this Act that in all cases where by this Act any County officer or Board is charged with the performance of any duties heretofore performed by Territorial officials, the use of all property heretofore used by such Territorial officials for the discharge of

such duties, shall be transferred to such County officer or Board.

SECTION 483. Immediately after the passage of this Act, it shall be the duty of the Territorial Board of Public Institutions by this Act provided for, to organize in the manner required herein.

SECTION 484. As soon as said Board is organized, it shall take control of all matters relative to harbors, wharves, pilots and towage, and of all property used in connection therewith. It shall be the duty of the Superintendent of Public Works to deliver the possession of all such property to the Territorial Board of Public Institutions. And this Act, in so far as the control, regulation and management of harbors, wharves, pilots and towage, shall go into effect immediately on the transfer of such property.

SECTION 485. The Territorial Board of Public Institutions shall, immediately after their organization, assume the control, management and maintenance of the Insane Asylum, and the Executive and Judiciary Buildings, at Honolulu, and shall give to the officers now having possession thereof receipts for all property used in connection with said Insane Asylum and buildings.

SECTION 486. On the fourth day of January, A. D. 1904, the Territorial Board of Public Institutions shall assume the control, management and maintenance of the Territorial Penitentiary by this Act provided for, and shall give to the officer from whom possession thereof is taken a receipt for all property used in connection therewith.

SECTION 487. The Territorial Board of Public Institutions shall, on the fourth day of January, A. D. 1904, assume the control, management and maintenance of all matters, not herein specifically enumerated, the control, management and maintenance of which are by this Act vested in them, and for that purpose shall take possession of all property used in connection therewith, and give receipts therefor; it being the intention of this Act that all property used for the conduct of the affairs of any institution placed by this Act with-

in the jurisdiction of said Board, shall be transferred to said Board.

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## CHAPTER 87.

### TRANSFER OF RECORDS.

SECTION 488. It shall be the duty of the Treasurer of the Territory to have delivered all records and books of every description relative to the assessment, levy and collection of taxes to the Assessor and Tax Collector of the County to which such records and books relate, as soon as said officers have qualified and also to deliver all property used for filing or keeping or making such books or records; it being the intention of this Section that all records and books in the possession or control of such Treasurer which shall be of assistance to any assessor or collector in the assessment, levy or collection of taxes, and all property used for the making and preservation of such books and records, shall be delivered to such Assessor and Tax Collector, for the benefit of the County. In construing this Section, all property, books and records used in connection with the assessment, levy and collection of taxes shall be deemed to be either in the possession or subject to the control of the Territorial Treasurer. Said Treasurer shall take receipts for all books, records and property so delivered under the terms hereof.

SECTION 489. It shall be the duty of the Registrar of Conveyances to transfer to the Recorder of the County of Oahu, upon his qualification, all books and records in his possession, and all property of every description used in the making and preservation of the same, including office furniture, taking receipts therefor. Until otherwise provided by law, all such books and records, no matter to what part of the Territory such books and records refer, shall remain in the possession of said Recorder; and any certificate of such Recorder relative to the contents of said books and records shall be of like effect as certificates relative to instruments recorded after the passage of this Act.

**SECTION 490.** It shall be the duty of the Superintendent of Public Works to deliver or cause to be delivered to the Clerk of each County, immediately after the qualification of such clerk, all books, records and papers relative to roads, bridges, highways and streets located within the limits of the County, and all property used for the making or preservation thereof, including office furniture. Said Superintendent shall take receipts therefor.

**SECTION 491.** It shall be the duty of the Treasurer of the Territory to furnish to the Tax Collector of each County, immediately upon his qualification, a certificate showing the licenses of every description authorizing the conduct of any business within such County required to be licensed under existing laws.

**SECTION 492.** It shall be the duty of the Superintendent of Public Works, upon the qualification of the County Clerk of each County, to deliver to such clerk all books, records and papers relative to any fire departments, water works systems, street lighting systems and public markets located within such County. Receipts shall be taken therefor.

**SECTION 493.** It shall be the duty of every Territorial officer or Board charged by existing laws with the administration of any of the affairs of the Territory which are by this Act placed within the jurisdiction or control of any county or county officer to deliver to the appropriate county officer or Board all records relative to such affairs which shall be necessary or convenient for the proper administration thereof by such county officer or Board. If any such records shall not have been kept separately in such manner that proper distribution thereof can be made amongst the several counties herein provided for, then the Territorial officer or Board having the possession or control thereof shall cause to be made abstracts thereof for each County, which shall be certified to and forwarded to the proper County officer or Board, which abstracts shall have the same force and effect as original records.

**SECTION 494.** Whenever by this Act it is made the duty of the Territorial Board of Public Institutions to assume and



perform the duties of any Territorial officer or Board relative to any matter, it shall be the duty of the officer or Board now performing such duties, to transfer to the Secretary of said Board all records, books and papers, and all property used for the making and preservation of such books and papers, relative to said matters.

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## CHAPTER 88.

### CUSTODY OF PRISONERS.

SECTION 495. Immediately upon the qualification of the sheriffs of the several Counties, it shall be the duty of the keepers of all jails within the Territory to deliver the custody of all prisoners to said sheriffs, and also all records and papers in their hands by virtue of which such prisoners are held. *Provided, however,* that the keeper of the Oahu jail shall deliver the prisoners in his custody, and the records and papers thereunto pertaining, to the Warden of the Territorial Penitentiary.

SECTION 496. It shall be the duty of the Attorney-General to prepare statements for each County in the Territory, which shall show the names of all prisoners confined in each jail in the Territory on the fourth day of January, A. D. 1904, from what Island sentenced, the date of sentence and the length of sentence. Such statements shall have attached thereto a certificate of the Attorney-General, showing the same to be correct as shown by the records of his office.

SECTION 497. Immediately after the qualification of the Sheriff of each County and the appointment of the Warden of the Territorial Penitentiary, it shall be the duty of the Attorney-General to deliver to each Sheriff and to said Warden, one of said statements, with said certificate thereto attached.

SECTION 498. It shall be the duty of each Sheriff, upon re-

ceipt of such statement, to deliver to the Warden of the Territorial Penitentiary all prisoners confined in the jail of his County, who, by the papers and records delivered to him, and by said statements, are shown to have been sentenced for a period of one year or more.

*Provided, however,* that this shall not be held to apply to Oahu County: and *provided, further,* that any such prisoners, whose terms of imprisonment expire in sixty days, or less, from the time of the receipt of such statement, shall not be delivered to said Warden, but shall be detained until the end of the term for which they were imprisoned in such County jail.

SECTION 499. It shall be the duty of the Warden of the Territorial Penitentiary, upon receipt of such statement, to deliver to the Sheriff of the proper County, all prisoners confined in such Penitentiary, who, by the papers and records delivered to such Warden, and by such statement, are shown to have been sentenced for less than one year: *provided, however,* that prisoners whose terms of imprisonment expire in sixty days or less from the time of the receipt of such statement, shall not be delivered to said sheriffs; and, *provided, further,* that this Section shall not apply to Oahu County, except that all prisoners in said Penitentiary from the Island of Oahu, for a less period than one year, shall by said Warden be removed to the part of said jail to be used by him, under the provisions hereof, for the Oahu jail.

SECTION 500. The costs of transfers of prisoners to the Warden shall be borne by the County, and from the Warden to Sheriffs, by the Territory.

SECTION 501. The records and papers received by any Sheriff or Warden under the provisions hereof, and in the absence thereof, the statement of the Attorney-General with the certificate attached, shall be sufficient authority for the Sheriff or Warden to detain any prisoner of whom, by the terms hereof,

he shall have the custody, for the term of such prisoner as shown by such records, papers or statements.

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## CHAPTER 89.

### TAXES.

SECTION 502. All taxes remaining due the Territory of Hawaii on the fourth day of January, A. D. 1904, shall become the property of the County in which is located the District from which the same were assessed, and power is hereby vested in the Collector of said County to collect the same under the lists delivered to him by the Treasurer of the Territory under the provisions of Section 417 of this Act.

SECTION 503. Commencing on the fifteenth day of December, A. D. 1903, it shall be the duty of each Tax Assessor to commence the delivery of tax schedules for the use of tax payers in the year A. D. 1904, and to continue the distribution in the same manner provided for the distribution thereof by assessors under the provisions of Section 189 of this Act.

SECTION 504. In making returns of incomes for the year A. D. 1904, persons from whom taxes are due on account thereof shall make returns for six months; that is, of income from July first, 1903, to December thirty-first, 1903. And wherever, in Chapter 26 of Title 4 of this Act, provision is made of exemption of incomes of any amount, such exemption from taxation for said six months shall apply only when the amount of income is one-half of the amounts in said Chapter specified.

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## CHAPTER 90.

### BLANKS.

SECTION 505. It shall be the duty of the Auditor of the

Territory to furnish for each County and to have delivered to the Board of Supervisors of each County on the fourth day of January, A. D. 1904, or as soon as said Board shall be organized the following blanks, to be in the form prescribed in this Act, or, where this Act does not prescribe any given form, then in such form as said Auditor shall determine; a blank book for the assessment roll for the year A. D. 1904. Two blank books for the tax lists for the year A. D. 1904. One of each of the books required by this Act to be kept by the Board of Supervisors and County Clerk. One of each of the books required by this Act to be kept by the County Recorder. One of each of the books required by this Act to be kept by the County Auditor. One of each of the books necessary by this Act to be kept by the County Treasurer for the proper discharge of the duties of his office. One of each of the books necessary by this Act to be kept by any County officer for the proper discharge of the duties of his office. All blanks necessary or convenient for the discharge of the duties of any County officer, and sufficient in number, as nearly as said Auditor can estimate, to supply such officer for one year.

SECTION 506. The County Clerk shall make distribution of blanks and books to the proper officers.

SECTION 507. The provisions of Section 503 shall not be held to apply to tax schedules for the year A. D. 1904. It shall be the duty of said Auditor to have schedules for each County prepared, in number sufficient, as near as can be estimated, for each County, and to cause the same to be delivered to the assessors holding office under existing laws, for distribution as herein provided, said delivery to be made prior to the fifteenth day of December, A. D. 1903.

SECTION 508. The expense of furnishing the books and blanks shall be borne by the Territory.

## CHAPTER 91.

## FUNDS FOR COUNTIES.

SECTION 509. For the purpose of enabling Counties to pay the expenses of organization, and to provide them with funds for payment of salaries and expenses, there is hereby appropriated out of any funds in the Territorial Treasury not otherwise appropriated, the sum of Seven Hundred and Twenty-five Thousand Dollars, divided as follows:

For the County of Oahu, Five Hundred and Twenty Thousand Dollars; for the County of West Hawaii, Forty-five Thousand Dollars; for the County of East Hawaii, Fifty-five Thousand Dollars; for the County of Maui, Sixty Thousand Dollars; and for the County of Kauai, Forty-five Thousand Dollars.

Said amounts shall be paid in the manner required by law for other payments from the Treasury of the Territory to the Treasurer of the County, upon his qualification.

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CHAPTER 92.

## REPEAL.

SECTION 510. All acts and parts of acts in conflict herewith are hereby repealed. *Provided, however,* that if any provision of this Act shall be held to be invalid, the act or part of an act, of which such provision is intended to take the place, shall thereafter be of full force and effect, to all intents and purposes, as if the same were not herein repealed.

Approved this 22nd day of April, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

## ACT 32.

AN ACT TO AMEND CHAPTER LVII OF THE LAWS OF 1892 ENTITLED "AN ACT TO REORGANIZE THE JUDICIARY DEPARTMENT," BY AMENDING SECTIONS 2, 5, 6, 15, 22, 26, 30 (AS AMENDED BY ACT 19 OF THE LAWS OF 1901), 31 (AS AMENDED BY ACT 6 OF THE SPECIAL SESSION OF 1895), 33 (AS AMENDED BY ACT 2 OF THE LAWS OF 1898), 36, 37, 38 (AS AMENDED BY ACT 56 OF THE LAWS OF 1898), 49, 53, 56 (AS AMENDED BY ACT 12 OF THE LAWS OF 1896), 59, 71, 74 (AS AMENDED BY SECTION 2 OF ACT 40 OF THE LAWS OF 1898), 75 AND 80, AND REPEALING SECTIONS 25, 28, 34 AND 35 THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2 of said Chapter LVII of the Laws of 1892 (Civil Laws, Sec. 1104) is hereby amended so as to read as follows:

"Section 2. The said Department and the several Judges and other judicial officers thereof shall in all respects be independent of both the Executive and Legislative Departments. The Governor shall have no power to interfere with, alter or overrule any order, writ, judgment or decision of any Court, Judge or other judicial officer, except in the exercise of the power to grant reprieves and pardons in pursuance of law."

SECTION 2. Section 5 of Chapter LVII (Civil Laws, Sec. 1109) is hereby amended so as to read as follows:

"Section 5. The common law of England, as ascertained by English and American decisions is hereby declared to be the common law of the Territory of Hawaii in all cases, except as otherwise expressly provided by the Constitution or laws of the United States, or by the laws of the Territory of Hawaii, or fixed by Hawaiian judicial precedent, or established by Hawaiian usage, provided, however, that no person shall be subject to criminal proceedings except as provided by

the written laws of the United States or of the Territory of Hawaii.”

SECTION 3. Section 6 of said Chapter LVII (Civil Laws, Sec. 1110), is hereby amended so as to read as follows:

“Section 6. The several courts of record shall have power to decide the constitutionality and binding effect of any law, ordinance, rule, regulation, order or decree, enacted or issued by the Legislature or by any executive officer, department, board or bureau.”

SECTION 4. Section 15 of said Chapter LVII (Civil Laws, Sec. 1210) is hereby amended by altering the first sentence of the proviso thereto so as to read as follows:

“Provided, That it shall not be lawful for such magistrate to issue an attachment until the applicant shall have deposited with him a bond in a penal sum of not less than fifty nor more than five hundred dollars, with one or more sufficient sureties to be approved by such magistrate; conditioned that the plaintiff will prosecute his action without delay, and will pay all costs that may be adjudged to the defendant, and all damages that he may sustain by reason of the attachment, should the same be wrongfully, oppressively or maliciously sued out.”

SECTION 5. Section 22 of said Chapter LVII (Penal Laws, Sec. 610) is hereby amended by altering the first paragraph thereof so as to read as follows:

“Section 22. In all cases of arrest for offenses that must be tried in the first instance before a jury, or that can be tried only on indictment by a grand jury, the magistrate in whose jurisdiction or on whose warrant the accused was arrested shall, upon the appearance of the accused, proceed to consider whether there is probable cause to believe that a jury would, upon the evidence adduced, convict the accused of the offense with which he is charged; he shall reduce to writing the substance of the evidence adduced, with the names of the wit-

nesses, and if in his opinion the testimony do not warrant commitment for trial, he shall release the prisoner, noting that fact upon his docket; but if in his opinion there is probable cause to believe that conviction would take place before a jury, he shall make out and deliver to a constable a mittimus, which may be in the following form:

SECTION 6. Section 26 of said Chapter LVII (Civil Laws, Sec. 1128) is hereby amended so as to read as follows:

“Section 26. In case of the temporary disqualification, illness, or absence of any District Magistrate from any cause, some other person may be appointed by a Circuit Judge of the Circuit in which such Magistrate’s district lies, to perform the duties of the office for the time being, but this shall not be construed to repeal Section 937 of the Civil Code (Civil Laws, Sec. 1158)”.

SECTION 7. Section 30 of said Chapter LVII (Civil Laws, Sec. 1137), as amended by Act 19 of the Laws of 1901, is hereby amended by altering the second paragraph thereof so as to read as follows:

“The Circuit Court of the First Circuit shall consist of not more than three Judges, who shall be styled First, Second and Third Judges respectively of the Circuit Court of the First Circuit. There may be one or more sessions of the Court at the same time, and each session may be held by one but not more than one of the Judges. The judgments, orders and proceedings of any session held by any one of the Judges, shall be as effective as if only one session were held at a time.”

Said Section 30 is hereby further amended by adding a new paragraph thereto to read as follows:

“The Circuit Judge or Judges of the Circuit Court of any Circuit and any other Circuit Judge who may be authorized to preside at the trial of any cause or at any term in said Circuit under the provisions of Section 45 of this Chapter (Civil Laws,



Sec. 1159) as amended by Act 12 of the Laws of 1901, or of any other law, may hold separate sessions of such Court at the same time and act separately at chambers at the same time in said Circuit and act separately in such court and at chambers in said Circuit at the same time, and in every such case all judgments, decrees, orders and proceedings of any Judge or session shall be as effective as if only one session were held at one time or as if only one Judge acted at one time."

SECTION 8. Section 31 of said Chapter LVII, as amended by Act 6 of the Special Session of 1895 (Civil Laws, Sec. 1138) is hereby amended so as to read as follows:

"Section 31. The terms of the respective Circuit Courts shall be held as follows:

In the First Circuit, at Honolulu, on the first Mondays of January, April and September.

In the Second Circuit, at Wailuku, on the Island of Maui, on the second Wednesdays of March, June and October.

In the Third Circuit, at Kailua, in the District of North Kona, on the fourth Wednesdays of April and December, and in the District of North Kohala, on the fourth Wednesday of July.

In the Fourth Circuit, at Hilo, on the third Wednesdays of February, May, and November, and in the District of Hamakua on the third Wednesday of August.

In the Fifth Circuit, at Lihue, on the Island of Kauai, on the fourth Wednesdays of March, July and December."

SECTION 9. Section 33 of said Chapter LVII (Civil Laws, Sec. 1140), as amended by Act 2 of the Laws of 1898, is hereby amended so as to read as follows:

"Section 33. The terms of the Circuit Courts of the Second, Third, and Fifth Circuits may be continued and held from the opening thereof, respectively, until and including the twenty-fourth day thereafter, Sundays and legal holidays

excepted; provided, however, that any such term may be extended by the presiding Judge for not more than twelve days after the expiration of the said twenty-fourth day. The terms of the Circuit Courts of the First and Fourth Circuits may be continued and held from the opening thereof, respectively, until the time fixed by law for the commencement of the next succeeding terms of such courts, provided, however, that the April Term of the Circuit Court of the First Judicial Circuit shall not extend beyond the last Saturday in June. The respective Judges of the Circuit Courts may adjourn the same from time to time, during the term, or without day, as the interests of the public may demand."

SECTION 10. Section 36 of said Chapter LVII (Civil Laws, Sec. 1144), is hereby amended so as to read as follows:

"Section 36. The several Circuit Courts shall have jurisdiction, subject to appeal and exceptions to the Supreme Court according to Law, as follows:

*First:* Of all criminal offenses cognizable under the laws of the Territory, committed within their respective Circuits or transferred to them for trial by change of venue from some other Circuit Court;

*Second:* Of all suits for penalties and forfeitures incurred under the laws of the Territory;

*Third:* Of all causes, civil or criminal, that may properly come before them on appeal from any other court according to law;

*Fourth:* Of all civil causes at law, except as otherwise expressly provided;

*Fifth:* Any Circuit Court may, upon satisfactory proof that a fair and impartial trial cannot be had in any case pending in such Court, and after the parties thereto shall have had opportunity to be heard, change the venue to some other Circuit Court and order the record to be transferred thereto; provided, however, that any Circuit Court may, in its discretion, upon the consent of all the parties to any civil cause

pending in such Court, change the venue to some other Circuit Court and order the record to be transferred thereto."

SECTION 11. Section 37 of said Chapter LVII (Civil Laws, Sec. 1145), is hereby amended so as to read as follows:

"Section 37. The Judges of the several Circuit Courts shall have power at Chambers within their respective jurisdictions, but subject to appeal to the Circuit and Supreme Courts, according to law, as follows:

"First: To hear and determine all matters in Equity;

"Second: To hear and determine all matters of divorce, separation and annulment of marriage;

"Third: To grant probate of wills, to appoint administrators and guardians, and to compel executors, administrators and guardians, to perform their respective trusts and to account in all respects for the discharge of their official duties; to remove any executor, administrator, or guardian; to determine the heirs at law of deceased persons and to decree the distribution of intestate estates;

"Fourth: To admeasure dower and partition real estate; when the dower in real estate cannot be set apart without great injury to the owners, the Judge may ascertain the value of such dower in money, and order the same to be paid on such terms as shall be just and reasonable; when the partition of real estate cannot be made without great prejudice to the parties, the Judge may order a sale of the premises and divide the proceeds;

"Fifth: To legalize the adoption of children and to decree the affiliation of bastards; ✓

"Sixth: To select and impanel, subject to challenge for cause, by either party, a special jury of inquiry of idiocy, lunacy, or *de ventre inspiciendo*, or in any other matter to be tried before any of the said Judges at Chambers, and they shall receive and act upon the verdict of such jury as equity and good conscience require;

“Seventh: To issue writs of habeas corpus according to law;

“Eighth: To issue writs of error, *certiorari*, *mandamus*, *ne exeat regno*, prohibition and *quo warranto*, and all other writs and processes, according to law, to courts of inferior jurisdiction, to corporations and individuals, that shall be necessary to the furtherance of justice and the regular execution of the law;

“Ninth: To enlarge on bail persons rightfully confined in all bailable cases;

“Tenth: To require either the plaintiff or defendant upon the application of the opposite party, to give security for costs in any civil cause, upon such terms and conditions as the Judge shall deem just;

“Eleventh: To issue warrants for the apprehension, in any part of the Territory, of any person accused under oath of a crime or misdemeanor committed in any part of the Territory and to examine and commit such person to prison according to law, for trial before the Circuit Court of the Circuit in which the offense was committed, to fix bail and generally to perform the duties of a committing magistrate.”

SECTION 12. Section 38 of said Chapter LVII (Civil Laws, Sec. 1146), as amended by Act 56 of the Laws of 1898, is hereby amended so as to read as follows:

“Section 38. Provided, however, that the power and jurisdiction of Circuit Courts and Circuit Judges in Chambers relating to causes of a civil nature as hereinbefore defined, shall be limited as follows:

“First: Causes described in the second division of Section 36 shall be triable only in the Circuit where it is alleged the penalty or forfeiture was incurred;

“Second: Actions of ejectment, actions to quiet title in real property and actions of trespass *quare clausum fregit* shall be triable only in the Circuit in which the real property in question is situated;

“Third: Causes of divorce, separation, and nullity of marriage, shall be triable only in the Circuit where the parties last lived together as man and wife, or, if they have not last so lived together in this Territory, in the Circuit in which the applicant resides;

“Fourth: Proceedings for the probate of wills, for the appointment of administrators and trustees of the estates of deceased persons, for the admeasurement of dower and for all matters relating to the administration and settlement of estates of deceased persons, shall be brought only in the Circuit where the deceased had his last domicile. Provided, that if the deceased was last domiciled without this Territory, the proceeding may be brought in any Circuit in which there is estate to be administered;

“Fifth: Proceedings for the appointment of guardians and for all matters concerning the relation of guardian and ward, shall be brought in the Circuit in which the person or a majority of such persons are domiciled, in whose behalf such proceedings are begun. Provided, that if such person is domiciled without the Territory, or a majority of such persons are so domiciled, the proceedings may be brought in any Circuit in which there is estate of such person or persons;

“Sixth: Proceedings for the partition of real estate shall be brought only in the Circuit where the real estate, partition of which is prayed for, is situated. Provided, that if such real estate lies in more than one Circuit the proceedings may be had in any Circuit in which the same or any part thereof is situated:

“Seventh: Proceedings for legalizing the adoption of children and decreeing the affiliation of bastards, shall be brought in the Circuit in which the parents, or either of them, of the children in question reside. Provided, that if, in case of adoption, such parents are deceased or if neither of them resides within the Territory the proceedings may be brought in the Circuit in which the adopting parent or parents reside;

“Eighth: The power of issuing writs of error and other writs specifically named in the eighth sub-division of section 37, as amended, shall be in the Judge of the Circuit in which the alleged occasion for relief by any such writ shall arise. Provided, however, that in case any such writ shall be necessary in the prosecution or furtherance of any cause or proceeding already begun or pending before any Circuit Court or Judge, the power of issuing such writ shall be in the Court or Judge before whom such case or proceeding has been begun or is pending, even though the alleged occasion for relief shall have arisen in another Circuit.”

SECTION 13. Section 49 of said Chapter LVII (Civil Laws, Sec. 1162) is hereby amended so as to read as follows:

“Section 49. The Supreme Court shall consist of a Chief Justice and two Associate Justices.”

SECTION 14. Section 53 of said Chapter LVII (Civil Laws, Sec. 1166) is hereby amended so as to read as follows:

“Section 53. The Supreme Court and the several Justices thereof shall have power to administer oaths and to issue or allow the issuance of writs of error, *certiorari*, *mandamus*, prohibition and injunction according to law, to Circuit Courts, Circuit Judges, District Magistrates and other judicial tribunals and to parties litigant before such courts, judges, magistrates, and tribunals; all of which writs shall be returnable before the Supreme Court.”

SECTION 15. Section 56 of said Chapter LVII (Civil Laws, Sec. 1170), as amended by Act 12 of the Laws of 1896, is hereby amended so as to read as follows:

“Section 56. Parties to causes pending before the Supreme Court shall be entitled to a hearing before all of the Justices thereof, and may not be compelled to go to trial before less than the full number thereof.

“Provided, however, that if any of the Justices of the Supreme Court shall be disqualified from sitting in any cause pending before the Supreme Court, or shall be unable to attend from sickness, accident, absence, or any other reason, his

or their place or places for the trial and determination of such cause shall be filled by one or more of the Circuit Judges who has or have had no connection with the said cause either as counsel or in an official capacity, and who is or are not otherwise disqualified thereunto authorized by the written consent of the remaining Justice or Justices, and further provided that for the purpose of filling any such vacancy or vacancies the Circuit Judges of the First Circuit, then within the Territory, called in rotation, beginning with the First Judge thereof, shall first be selected."

SECTION 16. Section 59 of said Chapter LVII (Civil Laws, Sec. 1179) is hereby amended by altering the second paragraph thereof so as to read as follows:

"There shall be two or more deputy clerks for the First Circuit, who shall be clerks of the Supreme Court and of the Circuit Court of the First Circuit. Of these, two may be appointed and removed by the Chief Justice of the Supreme Court and one by each of the Circuit Judges of the First Circuit. There shall also be one deputy clerk for each of the other Circuit Courts, appointed and removable by the Judge thereof. Any deputy clerk may be removed by the Supreme Court for inefficiency or misconduct."

SECTION 17. Section 71 of said Chapter LVII (Civil Laws, Sec. 1435) is hereby amended so as to read as follows:

"Section 71. An appeal duly taken and perfected in any case from a judgment, order or decree of a Circuit Judge or District Magistrate shall operate as an arrest of judgment and stay of execution; Provided, however, that the Judge or Magistrate may, upon good cause shown, allow execution to issue or other appropriate action to be taken for the enforcement of such judgment, order or decree, pending such appeal, unless the applicant shall within such time as shall be allowed by the Judge or Magistrate deposit a bond in such amount and with such sureties as shall be approved by the Judge or Magistrate (the amount to be not less than double the amount of the judgment, order or decree, if it is money judgment, order or decree) conditioned for the prosecution of the appeal with-

out delay and for the payment or other performance, as the case may be, of the judgment, order or decree or part thereof that may be rendered or affirmed in the appellate court; and, provided further, that no political corporation or officer or executor, administrator, guardian, trustee, or receiver, acting in his official capacity, need deposit such bond in order to prevent the enforcement of such judgment, order or decree, pending the appeal, and provided further, that in case of an appealable order of a Circuit Judge for counsel fee, suit money, temporary alimony, or other provisional order of a like nature made before final judgment in the cause, an appeal shall not operate as an arrest of judgment or stay of execution, if the appellee shall deposit a bond in such sum and with such sureties as the judge shall approve, conditioned for indemnification of the appellant for all damages that he may sustain by reason of the payment or execution of such order, in case the appeal shall be sustained."

SECTION 18. Section 74 of said Chapter LVII (Civil Laws, Sec. 1438) as amended by Section 2 of Act 40 of the Laws of 1898, is hereby amended so as to read as follows:

"Section 74. A party may allege exceptions to any such opinion, direction, instruction, ruling or order, and the same being reduced to writing in a summary mode, and presented to the Judge within ten days after the opinion, direction, instruction, ruling or order objected to, and being found conformable to truth, shall be allowed and signed by the Judge, but if the Judge shall refuse to allow and sign such exceptions, the truth of the allegation therein contained, may, nevertheless, be established before the Supreme Court, and the exceptions allowed by it; provided, that further time may be allowed by the Judge in his discretion; and provided further, that if such exceptions are reported by a stenographer or entered in the Judge's minutes, they need not be written out or presented to or allowed or signed by the Judge within such time, but may be written out at the request of the party taking such exceptions, and allowed and signed by the Judge and filed with the clerk at any time, and any such exceptions, whether so reduced to writing in a summary mode and allow-



ed and signed by the Judge, or so written out whether allowed or signed by the Judge or not, or filed with the clerk or not, may at any time within twenty days after final judgment or such further time as may be allowed by the Judge be incorporated in a bill of exceptions and presented to the Judge, and, being found conformable to the truth, shall be allowed and signed by him, and if he shall refuse to allow and sign the same, the truth of the allegations therein contained, may, nevertheless, be established before the Supreme Court and the exceptions allowed by it. Bills of exception upon like terms as to filing bond and payment of costs, may be certified to the Supreme Court from decisions overruling demurrers or from other interlocutory orders, decisions or judgments, whenever the Judge in his discretion may think the same advisable for a more speedy termination of the case. The refusal of the Judge to certify an interlocutory bill of exceptions to the Supreme Court shall not be reviewable by any other court."

SECTION 19. Section 75 of said Chapter LVII (Civil Laws, Sec. 1239) is hereby amended so as to read as follows:

"Section 75. Upon the allowance of such bill of exceptions and the deposit of twenty-five dollars, or a bond of the same amount, by the party excepting with the clerk of such Court, for costs to accrue in the Supreme Court, the questions arising thereon shall be considered by the Supreme Court; but judgment may be entered and may be enforced or arrested pending such exceptions as provided in Section 71 in the case of an appeal, *mutatis mutandis*."

SECTION 20. Section 30 of said Chapter LVII is hereby amended by adding a new paragraph thereto as follows:

"Section 817 of the Civil Code (Civil Laws, Sec. 1105, relating to distribution of judicial power among the courts); Section 938 of the Civil Code (Civil Laws, Sec. 1432, relating to appeals from District Courts to the Supreme Court in case of the disqualification of the Circuit Judge); Sections 1075 to 1079, both inclusive, of the Civil Code (Civil Laws, Secs. 1192, 1193, relating to Masters in Chancery); an Act enacted April 30, 1868 (Civil Laws, Sec. 1161, relating to adjournments of

Circuit Courts on failure of a Justice of the Supreme Court to attend); Chapter XLII of the Laws of 1884 (Civil Laws, Sec. 1188, relating to the clerks of Court); Chapter LII of the Laws of 1888 and Act 76 of the Laws of the Provisional Government (Penal Laws, Secs. 599, 600, 601, relating to the criminal jurisdiction of Circuit Courts and the jurisdiction of Circuit Judges as committing magistrates); Section 2 of Chapter LVIII of the Laws of 1890 (Civil Laws, Sec. 1116, relating to District Magistrates in Hana); Chapter XX of the Laws of 1892 (Civil Laws, Secs. 1131-1134, relating to Acting District Magistrates); Acts 23 and 67 of the Laws of 1898 (relating to the appointment of substitutes for Circuit Judges); and Act 44 of the Laws of 1898 (relating to appeals from District Magistrates to Circuit Judge at Chambers), also are hereby repealed."

SECTION 21. Sections 25, 28, 34, and 35 of said Chapter 57 (Civil Laws, Secs. 1127, 1130, 1141, and 1143) are hereby repealed.

SECTION 22. This Act shall take effect on the first day of August, 1903.

Approved this 22d day of April, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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### ACT 33.

AN ACT TO AMEND SECTION 2 OF CHAPTER 1 OF THE PENAL CODE (PENAL LAWS, SECTION 3) DEFINING FELONIES AND MISDEMEANORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 2 of Chapter 1 of the Penal Code (Penal Laws, Section 3) is hereby amended so as to read as follows:

"2. The term *felony*, as used in the Laws of this Territory, means an offense that is punishable with death or with imprisonment for a longer period than one year. Every offense not a felony is a misdemeanor."

SECTION 2. This Act shall take effect upon the day of its approval.

Approved this 22nd day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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ACT 34.

AN ACT TO APPROPRIATE MONEY FOR THE BREAKWATER AND THE WHARF AT KALAUPAPA, MOLOKAI.

*Whereas*, During a storm which lately prevailed, the breakwater and wharf at Kalaupapa were washed away; and

*Whereas*, It is necessary that the said breakwater and wharf be replaced at the earliest convenience; therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of Five Thousand Dollars (\$5,000.00) be, and is hereby appropriated out of any money or moneys in the Territorial Treasury not otherwise appropriated, for constructing a breakwater and wharf at Kalaupapa, Molokai.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 35.****AN ACT TO ENCOURAGE DIVERSIFIED INDUSTRIES.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. For the next five years all property, real and personal, actually in use for the production of sisal fibre, castor oil, vanilla extract, Hawaiian starch, pineapples and Manioca starch (Kasawa) shall be exempt from taxation of any kind.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 36.****AN ACT TO DESIGNATE TWO PAY-DAYS IN A MONTH FOR THE GOVERNMENT EMPLOYEES AND OFFICIALS OF THE TERRITORY OF HAWAII.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. From and after the passage of this Act, the fifteenth and last day in a month are hereby designated the pay-days of all employees engaged in constructing or repairing roads, bridges or streets for the Territory of Hawaii.

SECTION 2. All laws and parts of laws of the Territory of Hawaii which are in conflict with the provisions of this Act, are hereby repealed.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved 23rd day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 37.****AN ACT TO REGULATE THE EMPLOYMENT OF LABOR ON THE PUBLIC WORKS OF THIS TERRITORY.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. No person shall be employed as a mechanic or laborer upon any public work carried on by this Territory, or by any political subdivision thereof, whether the work is done by contract or otherwise, unless such person is a citizen of the United States, or eligible to become a citizen; *provided, however,* in the event unskilled citizen labor, or unskilled labor eligible to become citizen labor, cannot be obtained to do the required work, the Superintendent of Public Works, or the County Board of Control, or the Mayor, or other Chief Executive of any Municipality, respectively, shall have the power to issue permits to employ other than citizen, or eligible to become citizen, unskilled labor until said citizen, or eligible to become citizen, unskilled labor can be obtained.

SECTION 2. Eight hours of actual service shall constitute a day's labor for all mechanics, clerks, laborers and other employees employed upon any public work or in any public office of this Territory, or any political subdivision thereof, whether the work is done by contract or otherwise. *Provided, however,* that the full eight hours shall not apply to Saturdays or any holiday.

SECTION 3. A stipulation that no mechanics, clerks, laborers and other employees employed upon any public work in the employ of the contractor or sub-contractor shall be required to work more than eight hours in any one calendar day, except in cases of extraordinary emergency, and that no mechanic or laborer, other than a citizen of the United States, or eligible to become a citizen, shall be employed, shall be contained in every contract to which the Territory or any political subdivision thereof is a party.

SECTION 4. Any contractor, person, firm or corporation, or any officer of the Territory, or of any political subdivision

thereof, violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than Ten Dollars nor more than One Hundred Dollars for each offense. Any and each and every such violation shall be deemed a separate offense for each day thereof, and for each mechanic, clerk, laborer and other employee employed upon any public work, employed in violation of the provisions of this Act. Any contract or sub-contract for any public work in this Territory that does not comply with the provisions of Section 3 of this Act shall be absolutely void.

SECTION 5. This Act shall take effect from the date of its approval.

Approved this 23rd day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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### ACT 38.

AN ACT PROVIDING FOR THE DRAWING, SUMMONING AND EM-PANELING OF GRAND AND TRIAL JURORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. A person is qualified to act as a juror:

1. If he is a male citizen of the United States and of the Territory of Hawaii, of the age of twenty-one years, and possesses the qualifications of a voter and is a resident of the Circuit from which he is selected; and
2. If he is in possession of his natural faculties, and of ordinary intelligence, and not decrepit; and
3. If he can understandingly speak, read and write the English language; and

4. If he is selected, summoned, returned and sworn without reference to race, or place of nativity.

SECTION 2. A person is not competent to act as a juror:

1. Who does not possess the qualifications prescribed by the preceding section;

2. Who has been convicted of any felony or of a misdemeanor involving moral turpitude.

SECTION 3. A person is exempt from liability to act as a juror if he is:

1. Over sixty years of age;

2. An attorney-at-law;

3. A judicial, civil or military officer of the United States or of the Territory of Hawaii;

4. A person holding a county, city, town, municipal, township, district or precinct office;

5. A minister of the Gospel, or a priest of any denomination, following his profession;

6. A teacher in a university, college, academy, school, or other place or institution of learning;

7. A practicing physician, surgeon or dentist, or a druggist actually engaged in the business of dispensing medicines;

8. An officer, keeper or attendant of an almshouse, hospital or asylum;

9. A person engaged as an officer or attendant of the Territorial penitentiary or prison, or a county, city or municipal jail;

10. A person employed on board of a vessel navigating the waters of or between the islands of this Territory, or on board of a vessel engaged in the coasting trade, or plying between any port of the United States and a port in a foreign country;

11. An express agent, mail-carrier, superintendent, employee or operator of a telegraph or telephone line;

12. A member of the Territorial militia when on active service, or an active member of a fire department of any village, town, city or other place in this Territory;

13. A superintendent, engineer, fireman, conductor, brakeman, motorman, on any railroad or street railway.

SECTION 4. A juror shall not be excused by a court for slight or trivial cause, but only for serious and unusual hardship or inconvenience to his business, or when material injury or destruction to his property, or of property entrusted to him, is threatened, or when his own health, or the sickness or death of a member of his family, requires his absence.

SECTION 5. If a person exempt from liability to act as a juror, or entitled to be excused therefrom, as provided in Sections 3 and 4, be summoned as a juror, he may make and transmit his affidavit to the clerk of the court for which he is summoned, stating his office, occupation or employment, and reason for claiming exemption or excuse; and such affidavit shall be delivered by the clerk to the Judge of the court when the name of such person is called, and if sufficient in substance, shall be received as an excuse for non-attendance in person. The affidavit shall then be filed by the clerk.

SECTION 6. The Judge or Judges of each Circuit Court shall, prior to the first day of December of each calendar year, appoint for the next calendar year two persons as Jury Commissioners, who shall be voters of the Circuit, well known to be of opposite politics and of good reputation for intelligence, morality and integrity. Should a vacancy occur in the office of a Jury Commissioner at any time, the Circuit Judge or Judges shall appoint a person to fill the vacancy. For the time actually and necessarily employed in the performance of his duties, each Jury Commissioner shall be allowed by the Court or Judge five dollars per day, to be paid in the same manner as fees of jurors.

SECTION 7. The Jury Commissioners of each Circuit shall, before the fifteenth day of December in each year, or at any subsequent time, if omitted or neglected before such day, make



a list of persons to serve as jurors in the Circuit Court of the Circuit for the ensuing year. They shall proceed to select and list from the citizens, voters and residents of the several precincts in the Circuit, as near as may be according to and in proportion with the respective number of registered voters last registered in each of such precincts, the names of one hundred and fifty persons who, in their opinion, are qualified to serve as jurors under the provisions of this Act. Provided, that the number of names so selected and listed, as aforesaid, shall be two hundred and fifty in the First Circuit, and two hundred in the Fourth Circuit, and in making such selections and lists as aforesaid, they shall take the names of such only as, in their opinion, are not exempt from serving; who are in possession of their natural faculties, and not infirm or decrepit; of fair character, of approved integrity and of sound judgment; provided, that if, in any of the Circuits, the Jury Commissioners shall not be able to select the number required by this Section for jurors, they may select a less number, and the highest practicable; and provided further, that they shall not select, unless necessary, the name of any person who has served as a juror within one year. Certified lists of the names of the persons so selected from each precinct to serve as jurors shall at once be placed in the possession of the clerk of the Circuit Court. Provided, however, that until such Jury Commissioners shall have been duly appointed and qualified according to law, or in case they shall, at any time after such appointment and qualification, neglect or fail to make such selection and list of persons to serve as jurors as aforesaid, then such selection and list of such persons to serve as jurors as aforesaid shall be made, in the manner aforesaid, by a judge and a clerk of the Circuit Court.

SECTION 8. On receiving such certified list of names from the Jury Commissioners the clerk shall file the same in his office, and at least ten days before the first day of each term of such Circuit Court, such clerk thereof shall write the names of such persons selected and listed as aforesaid, on separate pieces of paper of the same size and appearance, and fold each such piece so as to conceal the name thereon, and

deposit them all in an appropriate box to be called the "Jury Box." Thereupon, the clerk, at the direction and in the presence of the Judge, shall, after first shaking the "Jury Box" containing the names deposited therein as aforesaid, so as to thoroughly mix such pieces of paper upon which such names are written, draw therefrom, by lot, the names of fifty persons and deposit them in an appropriate box to be called the "Grand Jury Box," without disclosing any of such names. And, also, at the same time and in the same manner, there shall likewise be drawn from such "Jury Box," by lot, the names of fifty persons which shall be deposited in an appropriate box to be called the "Trial Jury Box," without disclosing any of such names. Whereupon, the clerk, at the direction and in the presence of the Judge, after first shaking the "Grand Jury Box," containing the names deposited therein, as aforesaid, so as to thoroughly mix such pieces of paper upon which such names are written, shall draw therefrom by lot, the names of not less than thirteen nor more than twenty-three persons to serve as Grand Jurors at the ensuing term of the court. And, also, at the same time and in the same manner, there shall likewise be drawn from such "Trial Jury Box," by lot, the names of not less than eighteen nor more than twenty-six persons to serve as Trial Jurors at the ensuing term of the court. Provided, that each Judge, if there be more than one judge of such court, may, for such term, direct that the names of a sufficient number of persons to serve as Trial Jurors be drawn and summoned to appear before him, or before another judge or judges thereof; and any one of such judges may also direct that the Grand Jurors for such term be drawn and summoned to appear before him or before another judge thereof. Two lists, one containing the names of the Grand Jurors, and one containing the names of the Trial Jurors drawn as aforesaid, containing also a true statement of all essential facts as to the selection, listing and drawing of the names of such jurors, together with a certificate as to the truth and regularity thereof, signed by the judge and attested by the clerk, shall then be filed in the office of such clerk. Provided, that no such drawing or list need be made for Grand Jurors or for Trial Jurors for any special term if in the opinion of the Judge it is unnecessary.

SECTION 9. The persons whose names are selected, listed and returned as aforesaid by the Jury Commissioners, as shown by the certificate thereof filed with the clerk of the court, shall be known as "Regular Jurors," and shall serve for one year, and until other persons are selected, listed and returned as jurors in manner aforesaid.

SECTION 10. After the adjournment of the court for the term for which jurors have been drawn and at which they have attended and served, and at any time when jurors have been excused as provided in Section 24 of this Act, the clerk shall inclose the pieces of paper containing the names of those who so attended and served as jurors or who have been so excused, in an envelope, under seal, stating thereon the term; and the pieces containing the names of those who did not attend and serve, or have not been so excused, including those remaining in the "Grand Jury Box" and in the "Trial Jury Box," shall be returned to the "Jury Box."

SECTION 11. The clerk shall, within twenty-four hours of the drawing of any jurors for the term by him, as provided in Section 8, transmit to the Sheriff the names of all jurors so drawn as aforesaid in order that such may be duly summoned. As soon as he receives the list of the names of the jurors so transmitted to him, the Sheriff shall summon the persons named therein to attend the court by giving personal notice to each, and he shall return the list of such names to the court at the time fixed in the order for their appearance, specifying the names of those who are summoned and the manner in which each was notified. The jurors aforesaid shall be summoned to appear on such day of the term, and at such hour as the Judge of the Court may by order, made at or prior to the drawing of names as aforesaid, direct.

SECTION 12. At the trial of any cause requiring a jury, in any Circuit Court, the Clerk of the Court shall draw by lot such jury, to the number of twelve, from the box containing the names of such persons as have been duly summoned to attend as trial jurors, and who are not excused from attendance; and if any of the said twelve be challenged and set aside, the clerk shall continue to draw by lot from said box un-

til twelve impartial jurors are obtained, when they shall be sworn as the jurors for the trial of such cause.

SECTION 13. Whenever a sufficient number of jurors are not drawn or summoned, or whenever a sufficient number of jurors regularly drawn and summoned, as hereinbefore provided, do not appear or cannot be obtained, to form a Grand Jury, or a Trial Jury in any case, civil or criminal, the court may order the Sheriff to summon additional grand jurors or talesmen as may be required. Three additional grand jurors and three talesmen for trial jurors may be summoned from among the bystanders, if no objection is made by any party interested. If more than three additional grand jurors, or more than three talesmen for trial jurors should be required, or if objection be made to summoning any bystanders, the court shall then, and thereafter as often as occasion may require, direct that a sufficient number of names be drawn from the "Jury Box," and deposited in the "Grand Jury Box," or in the "Trial Jury Box," as the occasion may require, so that there will then be fifty names therein; whereupon, the court shall further direct that a sufficient number of names be drawn from the box thus containing the fifty names last aforesaid, and that such persons be summoned to appear forthwith, to fill the panel.

Whenever the names deposited in the "Jury Box" shall be exhausted before the panel is complete, the court shall then direct, as the occasion may require, that all names remaining in the "Grand Jury Box," if it be the Trial Jury panel which is incomplete, or all names remaining in the "Trial Jury Box," if it be the Grand Jury panel which is incomplete, be removed therefrom and deposited in the "Jury Box" to be drawn therefrom in manner aforesaid for the purpose of completing such panel. The names of all such persons shall be drawn and all such persons shall be summoned as hereinbefore provided.

SECTION 14. Any juror summoned who wilfully or without reasonable excuse, fails to attend, may be attached, and the court may also impose upon him a fine not exceeding Fifty Dollars, upon which execution may issue.

SECTION 15. At the opening of any term of the Circuit Court for which a Grand Jury has been ordered and summoned, unless otherwise directed by the court or a judge thereof, and as often thereafter as to the court or a judge may seem proper, a Grand Jury may be empanelled. At the time when the order for the Grand Jurors is returnable, or as soon thereafter as convenient, the clerk, under the direction of the court, shall call the names of those summoned, and the court may then hear excuses of jurors summoned.

SECTION 16. The Grand Jury, being empanelled and sworn, shall be charged by the court. In doing so, the court shall give them such information as it may deem proper as to their duties and as to the law pertaining to such cases as may come before them. The court may further charge the jury when the necessity arises.

SECTION 17. Before the Grand Jury retires, the prosecuting officer or any person held to answer a charge for a criminal offense may challenge the panel or an individual juror, for cause to be assigned to the court. All such challenges shall be tried and determined by the court. The clerk shall then enter upon the jury roll the names of jurors present, not excused, and sworn to serve upon the panel.

SECTION 18. At the time when the order for the Trial Jurors is returnable, or as soon thereafter as convenient, the clerk, under the direction of the court, shall call the names of those summoned and the court may then hear the excuses of jurors summoned. The clerk shall then write the names of jurors present, and not excused, upon separate pieces of paper of the same size and appearance, and fold such pieces so that the names thereon are concealed, and then in the presence and at the direction of the court, deposit the pieces in a box which must be kept locked or sealed until ordered by the court to be opened. When, thereafter, an action or cause is called for trial by the jury, such proceedings shall be held in empanelling the Trial Jury as may be required by law or the practice of the court. Such jurors, not excused, shall be known as the "Regular Jurors" for that term.

SECTION 19. In all cases, civil or criminal, either party may challenge any juror drawn for such trial, for cause to be assigned to the presiding judge, who may determine the validity of the objection urged against the competency of such juror.

SECTION 20. In addition to the challenges of jurors allowed in the preceding section, the Territory in criminal cases, and the plaintiff and defendant in all trials by jury, civil or criminal, except as provided in the next following section, shall each be allowed to peremptorily challenge three jurors, without assigning any reason therefor, but where there are two or more parties on either side, each of them shall be allowed two challenges only.

SECTION 21. Any person who is put on trial for an offence, for which if convicted thereof, such person may be punished with death or imprisonment for life, shall be allowed to challenge peremptorily twelve of the persons called as jurors, and no more; and the Territory in such cases shall be allowed to challenge peremptorily six of the persons called as jurors, and no more.

SECTION 22. The pay of jurors in courts of record shall be two dollars per day for each day of actual attendance at court, and ten cents per mile for each mile necessarily traveled in going to and returning from court.

SECTION 23. At the end of each term of a Circuit Court and whenever jurors are excused as provided in Section 24 of this Act, the clerk shall make a certificate to each juror entitled thereto, certifying the number of days such juror has attended court and the amount due to him per diem and mileage. Each juror shall state on oath to the clerk the number of miles traveled for which he is entitled to pay; but no juror shall receive mileage for going to or returning from court more than once during the same term for which he was summoned; and no person summoned as a juror who does not serve or is excused at his own request shall receive any per diem or mileage.

SECTION 24. Any Circuit Court or Judge may, whenever it shall deem proper and necessary so to do, having regard to the length of the term thereof and equitable distribution of the duties of jurors, excuse any panel or number of jurors, after a service of four weeks or more and order another panel or additional jurors to be drawn as nearly as may be as hereinbefore provided to complete the business of the term.

SECTION 25. No person shall take advantage of any irregularity in a writ of *venire facias* or in the drawing, summoning, returning or empanelling of Grand or Trial Jurors unless such irregularity shall have been objected to by him before verdict or unless it clearly appears that he was injured by such irregularity.

SECTION 26. Sections 1196, 1197, 1198, 1200, 1202 to 1209, both inclusive, and 1211 of the Civil Code, and Act of June 17, 1862, relating to juries, Chapter XVII of the Laws of 1870, Chapter XXIV and Section 5 of Chapter XXXVII of the Laws of 1888, Chapter XXVI of the Laws of 1890, Chapter VII of the Laws of 1892, the portion of Section 82 of Chapter LVII of the Laws of 1892 relating to juries, Section 25 of Act 17 of the Laws of the Provisional Government, Act 2 of the Laws of 1894-5 and all other laws and parts of laws relating to juries inconsistent with or covered by the provisions of this Act are hereby repealed.

SECTION 27. This Act shall take effect on the first day of August, 1903.

Approved this 25th day of April, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

**ACT 39.**

AN ACT RELATING TO CRIMINAL PRACTICE AND PROCEDURE, AMENDING CHAPTER XL OF THE LAWS OF 1876 ENTITLED "AN ACT TO REGULATE THE PRACTICE AND PROCEDURE IN CRIMINAL CASES," BY AMENDING SECTIONS 1, 2, 3, 5, 15, 38, 48, 54, 65, 68 AND 73 AND REPEALING SECTIONS 4, 9 AND 26 THEREOF, AND ADDING TWO NEW SECTIONS THERETO; AND REPEALING SECTION 4 OF CHAPTER II, SECTION 1 OF CHAPTER XLVIII, AND SECTION 5 OF CHAPTER XLVI OF THE PENAL CODE, ACT 38 OF THE LAWS OF THE PROVISIONAL GOVERNMENT, AND SECTION 10 OF AN ACT OF JULY 27, 1866.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Chapter XL of the Laws of 1876, (Penal Laws, Section 615) is hereby amended so as to read as follows:

"Section 1. In all cases of offences against the laws of this Territory, brought in the first instance in a court of record, the accused shall be arraigned and prosecuted upon an information or indictment, as soon after the commitment of the offence of which he is accused as may be expedient. In all cases of felony the defendant shall be furnished before arraignment with a copy of the indictment found against him."

SECTION 2. Section 2 of Chapter XL (Penal Laws, Section 616) is hereby amended so as to read as follows:

"Section 2. Informations and indictments shall be duly prepared by a legal prosecuting officer, and every indictment shall be duly found by a Grand Jury before the arraignment of the accused, and when so found shall be endorsed a true bill, and such endorsement shall be signed by the foreman."

SECTION 3. A new section is hereby added to said Chapter XL, as follows:

"Section 2A. In criminal cases brought in the first instance in a court of record, but in which the accused may be held to answer without an indictment by a Grand Jury,



the legal prosecutor may arraign and prosecute the accused upon either an information or an indictment at his election; and in all criminal cases brought in the first instance in a court of record he may arraign and prosecute the accused by information or indictment, as the case may be, whether there has been a previous examination, or commitment for trial by a judge or magistrate, or not."

SECTION 4. That Section 3 of said Chapter XL (Penal Laws, Section 617) is hereby amended so as to read as follows:

"Section 3. Subject to the provisions of Section 4 of Chapter XLVI of the Penal Code (Penal Laws, Section 521), a failure to prosecute upon an information or indictment at the term at which the same is presented against the accused, unless the venue be changed or the cause be postponed by the court, or a failure to sustain the information or indictment upon the law involved, or a verdict of not guilty by the jury, or the successive disagreement of two juries empaneled to try the cause, shall operate as an acquittal of the accused, and the court shall order his discharge from custody."

SECTION 5. A new section is hereby added to said Chapter as follows:

"Section 4A. All provisions of law applying to prosecutions upon indictments, to writs and process therein, and the issuing and service thereof, to motions, pleadings, trials and punishments, or the passing or execution of any sentence, and to all proceedings in cases of indictment, whether in the court of original or appellate jurisdiction, shall in the same manner and to the same extent as near as may be, apply to informations and all prosecutions and proceedings thereon."

SECTION 6. Section 5 of said Chapter XL (Penal Laws, Sec. 619) is hereby amended so as to read as follows:

"Section 5. The Attorney-General, or other appropriate legal prosecuting officer, may at any time certify to any judge of any Circuit Court having jurisdiction of the offence, that

he declines to prosecute any particular person or persons imprisoned under committal or indictment for trial for such offence; whereupon such Judge shall order and direct the officer in whose custody any such person shall be, to immediately discharge such prisoner from imprisonment in respect of such offence."

SECTION 7. Section 15 of said Chapter XL (Penal Laws, Sec. 629) is hereby amended by striking out the word "statute" where it occurs the second time in said Section 15, and inserting in lieu thereof the word "statutes."

SECTION 8. Section 38 of said Chapter XL (Penal Laws, Sec. 652) is hereby amended so as to read as follows:

"Section 38. If any person indicted for any offence shall be insane, and shall upon arraignment be found so to be by a jury lawfully empaneled for that purpose, so that such person cannot be tried upon such indictment, or if upon the trial of any person so indicted such person shall appear to the jury charged with such indictment to be insane, it shall be lawful for the court before whom any such person shall be brought to be arraigned or tried as aforesaid, to direct such finding to be recorded, and thereupon to order such person to be kept in strict custody in such place and in such manner as to such court shall seem meet, subject to a prosecution for such offence or discharge upon the termination of such insanity; and if any person charged with any offence shall be brought before any court to be discharged for want of prosecution, and such person shall appear to be insane, it shall be lawful for such Court to order a jury to be empaneled to try the sanity of such person; and if the jury so empaneled shall find such person to be insane, it shall be lawful for the court to order such person to be kept in strict custody in such place and in such manner as to such court shall seem fit, subject to prosecution for such offence or discharge upon the termination of such insanity."

SECTION 9. Section 48 of said Chapter XL (Penal Laws, Sec. 662) is hereby amended so as to read as follows:

“Section 48. In cases where it shall be given in evidence upon the trial of any person charged with any offense, that such person was insane at the time of the commission of such offense, and such person shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the commission of such offense, and to declare whether such person was acquitted by them on account of such insanity, and if they shall find that said person was insane at the time of the committing of such offense, the court before whom such trial shall be had shall order such person to be kept in strict custody in such place and in such manner as to the court shall seem fit, subject to discharge by a Circuit Court or judge upon proof of the termination of such insanity.”

SECTION 10. Section 54 of said Chapter XL (Penal Laws, Sec. 668) is hereby amended so as to read as follows:

“Section 54. If upon the trial of any person indicted for embezzlement, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement, but is guilty of larceny, and in either degree, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny in the degree found. And, if upon the trial of any person informed against or indicted for larceny, it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement, and of any kind or degree thereof, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment or information for such embezzlement in the kind or degree found, and no person so tried for embezzlement or larceny as aforesaid, shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.”

SECTION 11. Section 65 of said Chapter XL (Penal Laws, Sec. 679) is hereby amended so as to read as follows:

“Section 65. Where, upon the trial of any person charged with any offense against Chapter XXXI of the Penal Code, it shall be necessary to prove that any coin produced in evidence against such person is false or counterfeit, it shall be sufficient to prove the same to be false or counterfeit by the evidence of any credible witness.”

SECTION 12. Section 68 of said Chapter XL (Penal Laws, Sec. 682) is hereby amended so as to read as follows:

“Section 68. The verdict of the jury or the decision of the court or judge as the case may be, shall, subject to arrest of judgment, found the sentence to be passed in open court, by the court or judge, pursuant to the penalties of the law charged and found to have been violated, subject to the executive clemency, or a motion in arrest of execution for cause.”

SECTION 13. Section 73 of said Chapter XL (Penal Laws, Sec. 687) is hereby amended so as to read as follows:

“Section 73. Except as otherwise provided by law, in all criminal cases where the punishment is less than capital, the court or judge before which or whom the conviction is had shall proceed as soon thereafter as may be to pass sentence according to law, which sentence shall be recorded by the clerk, or by the judge if there is no clerk, and certified to the High Sheriff or Sheriff or his deputy for imprisonment or other punishment, as the case may be.”

SECTION 14. Sections 4, 9 and 26 of said Chapter XL (Penal Laws, Secs. 618, 623, 640), Section 4 of Chapter II, Section 5 of Chapter XLVI, and Section 1 of Chapter XLVIII of the Penal Code (Penal Laws, Secs. 11, 522, 533), Act 38 of the Laws of the Provisional Government (Penal Laws, Sec. 575) and Section 10 of an Act of July 27, 1866 (Civil Laws, Sec. 1022) are hereby repealed.

SECTION 15. This Act shall take effect on the day of its approval.

Approved this 25th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 40.**

AN ACT TO REGULATE THE PRACTICE OF DENTAL SURGERY IN  
THE TERRITORY OF HAWAII.

PREAMBLE TO ACT.

*Whereas*, the health and comfort of the public, and in many instances, the lives of individuals are contingent upon intelligent and competent dental services; and

*Whereas*, properly educated and efficient practitioners of dentistry are, therefore, a public necessity:

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All persons shall be held to be practicing dentistry within the meaning of this Act who shall charge a fee or salary or other reward, to be paid either to him or to some other person, for operations or parts of operations of any kind in the treatment of diseases or lesions of the human teeth or jaws, or extracting teeth, or in the correction of the malformation thereof.

Provided, that nothing in this Act shall apply to regularly licensed physicians or surgeons in extracting teeth or performing surgical operations.

SECTION 2. The following persons shall be deemed licensed to practice dentistry in this Territory:

1. Those who are at the passage of this Act duly licensed

and registered as dentists, pursuant to the laws of the Territory of Hawaii, and

2. Those who may hereafter be duly licensed and registered as dentists, pursuant to the provisions of this Act.

SECTION 3. There shall be appointed a Board of Dental Examiners which shall consist of three (3) practicing dentists who shall have been engaged in the continuous practice of dentistry in the Territory of Hawaii for a period of three (3) years preceding their several appointments. The members of such Board shall be appointed by the Governor and such appointment shall be by recommendation of the Dental Society of Hawaii.

The term for which the members of said Board shall hold office shall be three (3) years, except that the members of the Board first to be Appointed under this Act shall be appointed by the Governor to serve, one for the term of one (1) year, one for the term of two (2) years, and one for the term of three (3) years.

SECTION 4. The Board shall, at its first meeting, elect one of its members President, and one Secretary and Treasurer thereof, and the Board shall meet in July of each year, and at such other times as shall be necessary, due notice of the times and places of which meetings shall be given by publication in some newspaper of general circulation in the Territory. A majority of the Board shall constitute a quorum.

SECTION 5. Any person twenty-one years of age and of good moral character, who has graduated at, and holds a diploma from, a reputable dental college, and who desires to practice dentistry in this Territory, shall file his or her application with and pay to the Secretary of the Board a fee of Twenty Dollars (\$20.00) which in no case shall be refunded, and present himself or herself for examination at the first meeting of the Board after such application, and upon pass-

ing an examination satisfactory to the Board, his or her name, age, nationality, location and number of years of practice shall be entered in a book kept for that purpose, and a certificate of license to practice shall be issued to such person.

SECTION 6. Every person engaged in the practice of dentistry, or dental surgery, within the Territory at the time of the passage of this Act shall, within three months thereafter, cause his or her name, residence and place of business to be registered with said Board, and pay a fee of One Dollar (\$1.00), upon the payment of which the Board shall issue to such person a certificate of License, duly signed and sealed.

SECTION 7. All certificates of license issued by the Board shall be signed by each member thereof, sealed and attested by the Secretary, and shall be presumptive evidence of the right of the holder to practice dentistry in this Territory; and no person, association or company, whether incorporated or not, shall practice dentistry within this Territory without first having procured such a certificate, except as hereinbefore provided. Any person, association or company practicing dentistry within this Territory and not having at the time a valid and uncancelled license shall be guilty of a failure to comply with the provisions of this Act, and upon conviction thereof, shall be punished as hereinafter provided.

SECTION 7a. If any dentist shall be guilty of gross negligence, indecent conduct towards patients or any such professional misbehavior as show unfitness on the part of the dentist to practice, he or she shall be guilty of misdemeanor and upon presentation to the Board by three or more persons of such facts, certified, the license of such dentist shall be cancelled and such fact shall be noted on the record of licenses. Any person whose license shall be so cancelled shall be deemed an unlicensed person within the meaning of this Act.

SECTION 8. Upon presentation to the Board of a certified copy of a court of record showing that a practitioner of den-

istry has been convicted of a felony, that fact shall be noted on the record of licenses, and shall be marked "cancelled." Any person whose license shall be so cancelled shall be deemed an unlicensed person, and as such shall be subject to the penalties prescribed for other unlicensed persons who practice dentistry in this Territory.

SECTION 9. Nothing in the provisions of this Act shall be construed to permit the performance of dental operations by an unlicensed person under cover of the name of a registered and licensed practitioner, and no person shall practice dentistry under an assumed name, title or degree. Any person practicing dentistry under a false or assumed name, or who shall assume the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine" or shall append the letters "D. D. S.," or "D. M. D." to his or her name, the same not having been duly conferred on him or her by some college or school legally empowered to confer the same; or shall assume any title or append any letters to his or her name with intent to represent falsely that he or she has received a dental degree or license, shall be guilty of a failure to comply with the provisions of this Act, and upon conviction thereof, shall be punished as hereinafter provided.

SECTION 10. Any person who shall extract teeth or perform any other operation pertaining to dentistry for the purpose of advertising, exhibiting or selling any medicine, instrument or business of any description, whether the extraction or operation be for pay or not, shall be guilty of a misdemeanor, and upon conviction thereof in any court of the Territory, shall be fined in a sum not more than Two Hundred Dollars (\$200.00).

SECTION 11. Every association or company of persons, whether incorporated or not, engaged in the practice of dentistry under the name of company, association or other title, shall cause to be displayed and kept in a conspicuous place at the entrance to its place of business the names of each and every person employed by said association in the practice of dentistry; and every person so employed by any association or company shall cause his or her name to be so displayed.



Any person employed by such company or association whose name shall not be displayed as above provided shall be guilty of a failure to comply with the provisions of this Act, and upon conviction thereof, shall be punished as hereinafter provided; and the company or association, if incorporated, or the persons comprising the same, if not incorporated, shall, for failure to display the aforesaid names, be guilty of a failure to comply with the provisions of this Act, and upon conviction thereof, shall be punished as hereinafter provided.

SECTION 12. It shall be the duty of every person, company or association practicing dentistry in this Territory, upon demand in writing by the Secretary of the Board, to furnish within fifteen days after such demand, to the Board, through its Secretary, a true statement of the names and address of each and every person practicing dentistry or assisting in the practice thereof, in the office of said person, company or association, together with a statement showing under and what license or authority the said person, company or association is practicing; and any person, company or association failing so to do, or making any false statement concerning or touching anything covered by this Section shall be guilty of a failure to comply with the provisions of this Act, and upon conviction thereof, shall be punished as hereinafter provided.

SECTION 13. All expenses of the Board shall be paid from the fees received by the Board under the provisions of this Act, and no salary or other expenses shall be paid out of the Treasury of the Territory, and all money received by the Board shall be held by the Treasurer thereof as a special fund for meeting the expenses of the Board.

SECTION 14. The Secretary of the Board shall make a report of its proceedings to the Governor of the Territory, with an account of all moneys received and expended by the Board on or before the fifteenth day of January of each year.

SECTION 15. Any person, company or association who shall fail to comply with each and every provision of this Act, penalty for the violation of which is not otherwise provided,

shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00).

SECTION 16. It shall be the duty of the several prosecuting officers of the Territory to institute, on notice from any member of the Board, prosecutions for offenses under this Act.

SECTION 17. All laws and parts of laws in conflict with this Act are hereby repealed, and this Act shall be in force and effect from and after its approval.

Approved this 25th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 41.**

AN ACT TO AMEND SECTION 1 OF CHAPTER 37 OF THE PENAL CODE AS AMENDED BY ACT 36 OF THE SESSION LAWS OF 1896.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Chapter 37 of the Penal Code as amended by Act 36 of the Session Laws of 1896 is hereby amended so as to read as follows:

Section 1. Any common prostitute or any person who is lewd, wanton, or lascivious in speech or behavior, or any person who has no visible lawful means or insufficient lawful means of support, or who wanders abroad or places himself in any public place to beg alms, or causes any child so to do; or who solicits or collects alms or contributions under any false pretense; or who practices hoopio, hoounauna, hoomanamaana, anaana or pretends to have the power of praying persons to death; or who pretends to tell fortunes for money or other reward; or who has in his possession without lawful excuse (the proof of which excuse shall be upon such person) any false or skeleton key or any implement of house breaking, or who is

found by night without lawful excuse (the proof of which excuse shall be upon such person) in or upon any dwelling house or other buildings or any closed yard, or on board any vessel, or who is a dangerous or disorderly person by reason of his being a rioter, disturber of the peace, going offensively armed, uttering menaces or threatening speeches, or otherwise, shall be punished by imprisonment at hard labor not more than one year.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 25th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 42.**

**AN ACT TO PROVIDE FOR PUBLIC LOANS.**

*Whereas*, to meet the requirement of the Territory for the erection and improvement of public buildings and educational institutions, and for wharves, roads, harbor and other public improvements, it will be necessary to effect loans from time to time by means of the issue of Bonds, and

*Whereas*, it is necessary that all loans to be effected hereafter should be effected, and that the Bonds to be issued therefor should be issued in conformity with the Act of Congress providing a Government for the Territory of Hawaii, approved April 30th, A. D. 1900, and that the authority to effect such loans and issue Bonds in respect thereof should be given in a uniform manner,

*Now, Therefore*, for the carrying out of the purpose above mentioned,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the Treasurer of the Territory is hereby authorized and empowered, with the approval of the Governor, to issue from time to time Bonds of the Territory of Hawaii, with interest coupons attached thereto, to an amount not exceeding Five Million Dollars, the principal and interest to be paid in Gold Coin of the United States of America, or its equivalent at its present standard of weight and fineness, in the manner, upon the terms and for the purposes in this Act stated.

SECTION 2. No such bonds shall be issued, except in pursuance of an Act of the Legislature defining the purposes for which the same are to be issued, nor until approved by the President.

SECTION 3. All Bonds issued under authority of this Act shall bear interest, payable semi-annually, at a rate of not more than five per cent. per annum, and be made redeemable in five years and payable in fifteen years from the date of issue thereof.

SECTION 4. All such Bonds shall be exempt from any and all taxes whatsoever, and the payment of the principal and interest thereof shall constitute a charge upon the consolidated revenues of the Territory.

SECTION 5. The proceeds of the Bonds so issued shall be exclusively devoted to the purposes for which the same are issued, as expressed in Act of the Legislature under which the issue of the Bonds is authorized.

SECTION 6. The Treasurer of the Territory may, with the approval of the Governor, determine the denominations of such Bonds to be issued under the authority of this Act, and the place in which the principal and interest of such Bonds, or any of them, shall be payable, and the method of their redemption.

He may make such arrangements as may be necessary or proper for the sale of the whole or any part of each authorized issue. Such arrangements shall provide for the sale of such Bonds by the Government itself, by public advertisements for tenders, but no Bond shall be issued at less than 2 per cent below their nominal par value; and no indebtedness shall be incurred in any one year which shall exceed one per centum upon the assessed value of the taxable property of the Territory, as shown by the last general assessment for taxation.

SECTION 7. All Bonds issued under the provisions of this Act shall be lithographed or steel engraved, and shall be signed by the Treasurer of the Territory, and by the Registrar of Public Accounts, and be sealed with the seal of the office of the Treasurer.

Interest coupons shall bear a lithographed or engraved facsimile of the signature of the Treasurer of the Territory.

SECTION 8. This Act shall take effect and become Law from and after the date of its approval.

Approved this 25th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 43.**

AN ACT TO AUTHORIZE H. M. VON HOLT, HIS ASSOCIATES, SUCCESSORS AND ASSIGNS TO CONSTRUCT, MAINTAIN AND OPERATE A RAILROAD IN CERTAIN DISTRICTS ON THE ISLAND OF KAUI, IN THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The right is hereby granted to H. M. von Holt, his associates, successors and assigns, to lay, construct, main-

tain and operate, for the term of thirty (30) years from the date of the approval of this Act, a railway, either single or double track, or partly single and partly double, with such curves and switches, turn-outs, poles, wires, conduits, stations, power houses, and such other buildings, appliances and appurtenances as may from time to time be necessary for the use and operation thereof, from a point in the District of Waimea, Island of Kauai, known as the present Mill Site of the Kekaha Plantation; thence over and across other intervening land to Waimea, in said District of Waimea; then over and across the intervening land to Makaweli, the present Mill Site of the Hawaiian Sugar Company, Limited, or its immediate vicinity, in the District of Kona; then over and across other intervening land to Eleele, in said District of Kona; thence over and across other intervening land to Wahiawa, the present Mill Site of the McBryde Sugar Company, Limited, or its immediate vicinity, in said District of Kona; thence over and across other intervening land to the landing or Bay at Kukuiula, in said District of Kona; thence over and across other intervening land to Koloa Bay or Mill of the Koloa Sugar Company, in said District of Kona aforesaid; thence up, over and across Mahaulepu Valley and under, through or over the intervening ridge into Lihue to the present Mill Site of the Mill of the Lihue Sugar Company, or its immediate vicinity, in said District of Kona; thence over and across the intervening land to Hanamaulu, the present Mill Site at Hanamaulu, or its immediate vicinity, in the District of Puna; thence over and across other intervening land to Kamamaloo, the present Mill Site of the Makee Sugar Company, Limited, or its immediate vicinity, in said District of Puna; thence over and across other intervening land to Kilauea, the present Mill Site of the Kilauea Sugar Company, or its immediate vicinity, in the District of Koolau; thence over and across other intervening land to Hanalei Valley, in the District of Halelea.

SECTION 2. The said railway shall be operated by steam, or by compressed air, or by electric power, either by overhead

or underground wires, or by storage batteries. Provided, that a part of such railway may be operated by one motive power, while another or other portion thereof may be operated by other motive powers.

SECTION 3. The speed of any engine, car, or other vehicle used upon such railway while on any public highway, except in crossing the same, shall not exceed eight (8) miles per hour, under penalty of Three Hundred Dollars (\$300.00), to be paid to the Territory for each such violation of this provision.

SECTION 4. The maps, charts, and plans for the construction of such railway shall be subject to the approval of the Superintendent of Public Works, or of the Board of Supervisors of the County where such railway is to be constructed, operated or maintained, and such approval thereof shall be evidenced by his or their signatures upon any such map, chart, or plan so approved.

SECTION 5. The said railway, with all its branches and connections, shall be thoroughly and substantially constructed according to the best modern practice. The style of rail to be employed or used in the construction of such railway, the manner of laying the rails, or kind of cars for the carrying of passengers over such railway, shall be such as may be approved by the Superintendent of Public Works or by the Board of Supervisors of said County of Kauai, if there be any.

SECTION 6. The construction of such railway must be commenced within two years from the date of the approval hereof by the Congress of the United States, and at least ten miles must be completed, equipped and ready for the transportation of passengers and freight within two years after such commencement. Provided, that any period during which the work shall be suspended or delayed by reason of any litigation impeding or delaying the construction or use of such railway, the time so lost shall not be counted in either of the above mentioned periods.

SECTION 7. Not more than six (6) cents per mile for first-class and four (4) cents per mile for second-class passengers shall be charged as fare by the railway whose construction and operation is hereby authorized. If any person employed upon said railway shall demand or charge a greater sum of money as fare on the cars of said railway, the owner or owners thereof shall forfeit to the person who is thus overcharged the sum of One Hundred Dollars (\$100.00), to be recovered in a civil action in any Court having jurisdiction. Upon the trial of any such action, proof that the person demanding or receiving the money as fare for the sale of a ticket or check was, at the time of making the demand or receiving the money, engaged in an office of said railway or on any car thereof, shall be *prima facie* evidence that such person was the agent or employee of the owner or owners of such railway.

SECTION 8. Whenever it shall be necessary that private property shall be acquired for any of the purposes of such railway, and the same cannot be purchased for a reasonable compensation, the said H. M. von Holt, his associates, successors and assigns, are hereby authorized to enter upon, take and hold any and all such lands, tenements, hereditaments and easements as shall be required for the construction, operation or maintenance of said railway, after the location of such road has been approved by the Superintendent of Public Works or the said Board of Supervisors, but subject to the provisions of this Act.

SECTION 9. The lands to be taken for the line of such railway shall not exceed forty (40) feet in width, unless a greater width shall be required for embankments, cuttings, gravel pits, sidings, stations, depots, power houses, yards or terminals.

SECTION 10. No land, easement, or other property shall be taken for the purpose of such railway until after at least sixty (60) days' notice in writing shall have been given to the owner



thereof, and also to the lessee or other occupant, if any, of the intention to take such land or other property for the purpose of such railway. Such notice shall describe with reasonable certainty and accuracy the land or other property right which is proposed to be acquired by said railway.

SECTION 11. At any time after the expiration of such period of sixty (60) days, proceedings for the condemnation of any such property may be instituted in the Circuit Court of the Fifth Circuit, unless by stipulation the parties to said condemnation proceedings stipulate to have said proceedings tried in any other Circuit. Such proceedings shall in all cases be commenced by the filing of a sworn petition, which shall set forth all matters material to the termination of the issue, including a statement of the object for which the property sought to be condemned is required, and a proper description of such property. Service of process shall be made and subsequent proceedings carried on to final judgment as in ordinary actions at law. Trial by jury may be waived by mutual consent of all parties interested in the action, in which case the value of the property shall be determined and damages assessed by the Court. The usual statutory costs of the proceedings shall in all cases be taxed to the plaintiff. A certified copy of the judgment may be recorded in the Registry of Conveyances in Honolulu, and shall have the full force and effect and operation of a deed of the property.

SECTION 12. The said H. M. von Holt, his associates, successors and assigns shall have power to mortgage the franchise hereby conferred to secure the payment of bonds or other monetary obligations incurred in the construction or operation of such railway.

SECTION 13. No taxes shall be levied by the Territory, nor by any political or municipal subdivision thereof, for the period of five years (5) from and after the date when the construction of said railway is begun upon any property used in

connection with such railway, and which is reasonably necessary for its construction, operation and maintenance.

SECTION 14. This Act shall take effect from and after the date of the approval hereof.

Approved this 25th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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### ACT 44.

AN ACT TO PROVIDE FOR THE ENCOURAGEMENT AND PROTECTION OF AGRICULTURE, HORTICULTURE AND FORESTRY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

#### DEFINITION.

SECTION 1. Whenever in this Act the word "Board" is used it shall refer and mean the Board of Commissioners of Agriculture and Forestry, by this Act provided for.

#### APPOINTMENT OF COMMISSIONERS.

SECTION 2. There shall be a Board of Commissioners of Agriculture and Forestry of five members, who shall be appointed by the Governor by and with the advice and consent of the Senate.

The Superintendent of Public Works of the Territory shall be *ex officio* a member of said Board, with the same powers and duties herein prescribed for the other members of said Board, except as otherwise herein provided.

One of said Commissioners shall be appointed to hold office for one year, one for two years, one for three years, one for four years, and one for five years from January 1st, 1904.

Upon the expiration of the respective terms of the said Commissioners, their respective successors shall be respectively appointed for a term of five years.

Upon a vacancy occurring in said Board, a Commissioner shall be appointed to fill such vacancy for the remainder of the unexpired term.

#### ORGANIZATION OF BOARD.

SECTION 3. Immediately upon their appointment the Commissioners shall elect one of their members President and another Secretary of the Board. The Board shall have power to, from time to time, change its officers. A majority of the members of said Board shall constitute a quorum thereof, with power to transact any business within the powers or jurisdiction of the Board.

#### EXPENSES OF BOARD.

SECTION 4. The members of the Board appointed under this Act, shall serve without pay. The Superintendent of Public Works shall receive no pay for services performed by him under the terms of this Act other than the salary appropriated by the Legislature for his said office of Superintendent of Public Works.

The Board shall be entitled to pay the traveling expenses within the Territory of its members, when actually engaged in business relating to the work of the Commission, and also all cost of postage, stationery, correspondence, records, printing, and other expenses necessarily or properly incidental to the business of the Board.

#### DUTIES OF THE BOARD.

SECTION 5. It shall be the duty of the Board:

(1) *Information and Statistics.* To gather, compile, tabulate, furnish and publish, from time to time, information and statistics.

(a) *Forestry.* Concerning the area, location, character and natural and artificial increase of forests, and the natural, artificial and accidental decrease of the same, in the Territory of Hawaii, and to prepare and publish maps illustrating the same as far as possible;

And also concerning the best kinds of trees, plants and shrubs to plant in different localities, suggestions for the care and propagation of trees and shrubs both from an economic and an ornamental standpoint, and other useful information of a similar character, which the Board in its discretion may deem proper.

(b) *Entomology and Plant Pathology.* Concerning insects, scales, blights and diseases injurious, or liable to become injurious, to trees, plants or other vegetation, the ways and means of exterminating such pests and diseases aforesaid as are already in the Territory and preventing the introduction of those not yet here.

(c) *General Agriculture.* Concerning fruits, fibres, and useful or ornamental plants and their introduction, development and care, and concerning the manufacture or exportation of the same with a view to introducing, establishing and fostering new and valuable plants and industries.

(d) *Co-operation with other Organizations.* The Board shall in all respects endeavor, as far as possible, to encourage, work in harmony and co-operate with, the Federal Agricultural Experiment Station established in this Territory, and with all private persons or organizations doing work of an experimental or educational character, coming within the scope of the subject matters of this Act, and to avoid, as far as practicable, duplicating the work of such person or organization.

(2) *Library.* To secure copies of the laws of other states, territories and countries, and other publications germane to the subject matters of this Act, and make the same available for public information and consultation.

(3) *Rules and Regulations.* To make rules and regulations, and to amend the same from time to time in their discretion, subject to the approval of the Governor, for and concerning the introduction, transportation and propagation of trees, shrubs and plants and the preservation, protection, extension and utilization of forests and forest reserves, both natural and artificial; for the quarantine, inspection, fumigation, disinfection, exclusion or destruction, either upon introduction into this Territory, or at any time or place within the Territory, of any soil, nursery stock, tree, sugar cane, shrub, plant, flower, vine, cutting, graft, cion, bud, seed, root, fruit pit, fruit, vegetable, leaf, nut, or other vegetable growth or other substances, and any box, barrel, package or packing material or containers in which said articles or any of them have been transported or contained which is or may be infected with or liable to assist in the transmission or dissemination of any insect, blight, scale or disease injurious, or liable to become injurious to trees, plants or other vegetation of value.

Included therein may be rules and regulations governing the shipping between the different islands of this Territory of any or all of the nursery stock, trees and other articles in this sub-section herein above enumerated.

And also with power to prohibit the importation into the Territory from any or all foreign countries, or other parts of the United States, or the shipment from one island within the Territory to another island therein, of any specific article, or class of articles above enumerated, which are liable to introduce or disseminate, or assist in the introduction or dissemination of any insect, blight, scale or disease, injurious, or liable to become injurious to trees, plants, or other vegetation of value. All rules and regulations made as aforesaid shall have the force and effect of law.

(4) *Superintendent of Forestry Department.* To appoint a Superintendent of Forestry, who shall have charge, direction and control (subject to the direction and control of the Board)

of all matters relating to forestry, mentioned in or coming within the scope of this Act, and such other matters as the Board may from time to time direct; and who shall be paid such salary as may be appropriated by the Legislature.

*Foresters.* To appoint and commission in each district of the Territory, one or more foresters, and the same at their pleasure to remove, who shall serve without pay, to assist the Board to carry out the terms and intent of this law.

Said Superintendent of Forestry shall be a trained and educated forester, who shall have made the subject of forestry a special study, and if such a man is available, one who has had practical training and experience in connection with forestry in a tropical country.

*Assistants and Rangers.* To appoint, remove and fix the compensation of assistant Foresters and Forest Rangers, who shall have police powers in and concerning all matters relating to or connected with forests or forest reservations and the enforcement of any of the provisions of this Act, and such other persons as the Commission may employ.

(5) *Care of Forestry Reservations.* To have the care, custody, control and regulation of all lands which may be set apart as forest reservations, under the terms of this Act.

(6) *Protection of Forests and Water Supply.* To devise ways and means of protecting, extending, increasing and utilizing the forests and forest reserves, more particularly for protecting and developing the springs, streams and sources of water supply, so as to increase and make such water supply available for use.

(7) *Self-Support of Forests.* To devise and carry into operation, ways and means by which forests and forest reservations can, with due regard to the main objects herein set forth, be made self-supporting in whole or in part.

(8) *Fencing and Exclusion of Stock.* To secure as speedily as possible, either by private co-operation or by public appropriation, the erection and maintenance of fences to exclude live stock from forest reservations, and the removal from such reservations of the live stock running thereon, including the killing the same if necessary.

(9) *Superintendent of Entomological Department.* To appoint a Superintendent of Entomology, who shall have charge, direction and control (subject to the direction and control of the Board) of all matters relating to the exclusion or eradication of insects, scales, blights and diseases injurious, or liable to become injurious, to trees, plants or other vegetation of value; and relating to the quarantine, inspection, disinfection, exclusion or destruction of any plant, article or substance injurious, or liable to become injurious, to trees, plants or other vegetation of value mentioned in or coming within the scope of this Act, and of such other matters as the Board may from time to time direct; and who shall be paid such salary as may be appropriated by the Legislature.

The said Superintendent of Entomology shall be a trained and educated Entomologist, who has made the subject of Entomology as related to Agriculture a special study; and, if such a man is available, one who has had practical training and experience in connection with Entomology in a tropical country.

(10) *Assistant Entomologists and Inspectors.* To appoint and commission one or more Assistant Entomologists, one of whom shall be selected especially for his fitness to procure from abroad beneficial insects and growths for the eradication of insects, blights, scales and diseases injurious to vegetation of value and for the destruction of injurious vegetation; and such Inspectors and other employees as may be necessary for the proper carrying into effect of this Act, and the same at their pleasure to remove, and to fix the compensation of said Assistant Entomologists and Inspectors.

(11) *Buildings and Apparatus.* To provide such buildings, grounds, apparatus and appurtenances as may be necessary or proper for the examination, quarantine, inspection and fumigation provided for by this Act; and for the obtaining, propagation, study and distribution of beneficial insects, growths and antidotes for the eradication of insects, blights, scales or diseases injurious to vegetation of value and for the destruction of injurious vegetation; and also any other apparatus or appurtenances necessary or proper for the purposes of carrying this Act into execution.

(12) *Conflict of Authority.* The several Superintendents and other officers appointed under the terms of this Act shall act in harmony and co-operate with each other; but in case any question involving a conflict of authority shall arise, the Board shall decide the same, and such decision shall be final.

(13) *Supervision of Expenditures and Records.* To supervise and direct all officers and employees authorized by this Act and the expenditure of all moneys appropriated for the purposes set forth in this Act, and of the special fund herein provided for. All receipts, expenditures and proceedings of the Board shall be duly recorded in proper books of record and account, and moneys shall be paid out only on proper vouchers in accordance with law, and upon the counter-signature of the Superintendent of Public Works.

(14) *Further Legislation.* To formulate and from time to time recommend to the Governor and Legislature of the Territory such additional legislation as they deem necessary or desirable for the better securing of the objects of this law.

(15) *Annual Reports.* To make and publish, at the end of each year, a report of the expenditures and proceedings of the Board and of the results achieved by the Board, together with such other matters as are germane to the subject matter of this Act, and which the Board may deem proper.



## RESERVATION OF GOVERNMENT LAND FOR FORESTRY PURPOSES.

SECTION 6. The Governor may, with the approval of a majority of the Board, after a hearing or hearings as hereinafter provided, from time to time set apart any Government land or lands not then under lease, or on which there is a lease of two years or less, as forest reservations. Any lands so set apart shall not thereafter be leased or sold by the Government, or used in any way or for any purposes inconsistent with this Act, except by law fully enacted by the Legislature.

SECTION 7. In all cases (not including roads and city lots), in which it shall be proposed under the provisions of Section 178 or 255 of the Civil Laws, by any person or official that any public land or any interest therein, shall be disposed of either by way of quit-claim, sale, exchange, compromise or equitable settlement, no action shall be taken on such matter until the same shall first have been referred to and approved by the Board, which, on receiving notice of any such proposed action, shall fully consider the same. If the Board shall then disapprove the proposed action it shall notify the Governor accordingly and such proposed action shall not be taken.

### NOTICE OF HEARING.

SECTION 8. Before setting apart any Government lands under this section, the Governor shall give not less than fourteen days' notice, by advertisement in not less than two newspapers published in this Territory, of intention to consider the setting apart of government land for forestry reservations under this Act, which notice or notices shall contain the name or names of the Island or Islands and of the district or districts in which the proposed forest reservation or reservations are located, and shall further appoint a time or times, place or places, for hearing evidence and arguments either for or against the setting apart of said proposed forest reservations under this Act.

## HEARINGS.

SECTION 9. At the time and place named for any such hearing or hearings a full hearing shall be given by the Governor and the Board, to all who desire to be heard upon the subject matter of the said notice. The hearing or hearings held in pursuance of said notice or notices shall be public, and shall be conducted under such rules and regulations as the Governor in his discretion may direct. Any such hearing may be continued, postponed or adjourned to such time or times, place or places as the Governor may direct.

## VESTED RIGHTS.

SECTION 10. Provided, however, that nothing herein contained shall be held to in any way interfere or conflict with any vested rights under or arising out of any grant, grants, lease or leases, license or licenses, of or concerning any government land or water rights, or rights of way, heretofore made.

Nor shall anything herein contained be construed to change any rights in or concerning any water upon or flowing from or through any land set apart or surrendered as a forest reserve, or as depriving or limiting any Territorial officer from exercising any existing power or authority or any power which may hereafter be created to deal with said water or water rights, or rights of way.

## FOREST RESERVE ON PRIVATE LANDS.

SECTION 11. Any person or persons, corporation or corporations, may at any time surrender to the Government the care, custody and control of any lands, whether held under lease or in fee, as a forestry reservation, either for one or more years, or forever.

No taxes shall be levied or collected upon any private lands so surrendered for the purposes aforesaid, so long as the same shall remain exclusively under the control of the Government as a forestry reservation.

## SPECIAL FORESTRY FUND.

SECTION 12. In case any moneys shall accrue from any forestry reserve, or the products thereof, the same shall be deposited in the Treasury as a special fund for the preservation, extension and utilization of forests and forest reserves, and the same shall be there held available for use under this Act, subject to withdrawal and use in the same manner as moneys appropriated by the Legislature.

### IMPORTATION OF PLANTS, FRUIT, ETC.

SECTION 13. No soil, nursery stock, tree, sugar cane, shrub, plant, flower, vine, cutting, graft, cion, bud, seed, root, fruit pit, fruit, vegetable, leaf, nut, or moss shall be imported into the Territory of Hawaii except in the manner, and upon the terms and conditions hereinafter set forth, viz.:

(1) *Labels.* A label shall be affixed to the article desired to be imported, or if it is enclosed, to the box, barrel, case, package or other container in which it is enclosed, which label shall set forth:

- (a) The name, number or amount, and description of the said article or articles.
- (b) The locality where the same was produced.
- (c) The port from which the same was last shipped.
- (d) The name of the shipper of said article or articles.
- (e) The name of the consignee of said article or articles.

(2) *Request for Inspection.* In addition to any requirements of the customs authorities concerning invoices or other formalities incident to importations into the Territory, the importer shall file a written statement with the Board, signed by himself, or his agent or attorney, which shall set forth his desire to import certain articles into the Territory, which articles shall be described as follows, viz.:

- (a) The name, number or amount, and description of the said article or articles;

- (b) The locality where the same were produced;
- (c) The port from which the same were last shipped;
- (d) The name of the shipper thereof;
- (e) The name of the consignee thereof.

The said statement shall also contain a request that the Board examine, or cause to be examined, the articles described as aforesaid, and agreeing to be and become responsible for all costs, charges and expenses incident to the inspection, examination, fumigation, disinfection, quarantine and care of said articles desired to be imported.

(3) *Blanks.* Suitable blanks shall be furnished by the Board, upon which to make such requests, which blanks may provide for the insertion of other statements, and may contain other requirements which the Board, in its discretion and under the authority herein contained to make rules and regulations, may direct.

(4) *Inspection.* Immediately upon the receipt of a request for inspection, in accordance with the provisions hereinabove set forth, or as soon thereafter as reasonably practicable, an inspector of the Board shall inspect the said articles desired to be imported.

(5) *Place of Inspection.* The said inspection may, in the discretion of the said Inspector, be made on the vessel importing the same, on the wharf adjacent thereto, or any other convenient place or places which he may indicate; but said article or articles shall in no case be removed from the vessel importing the same except upon a written permit signed by said Inspector.

(6) *Unpacking or Removing.* If, in the discretion of said Inspector, it is necessary, advisable or proper, in order to more fully inspect the said articles, to unpack the said articles, or any of them, or to remove them, or any of them, to any other place or places, he shall have authority so to do, at the expense of the importer.

(7) *Permit to Import.* If, upon inspection as aforesaid, or at any time thereafter, if the said article or articles are held for further examination, the said Inspector shall be satisfied that the said articles desired to be imported, or certain of them, are free from insects, blight, scale and diseases injurious, or liable to become injurious, to trees, plants, or other vegetation of value, he shall give the importer a certificate of inspection, setting forth the date of the inspection or inspections, a description of the articles inspected, and permitting them to be imported into this Territory.

(8) *Disinfection or Quarantine.* If, in the opinion of said Inspector, it shall be necessary or proper for the better securing of the objects of this Act, to fumigate, disinfect or quarantine said article or articles, or any of them, he shall have authority so to do, at the expense of the importer.

If, in the opinion of said Inspector, it shall be necessary or proper to hold said article for continued observation or treatment in order to be certain that no infection, as aforesaid, exists therein, or that any infection which exists, or may exist therein, may be eradicated, said Inspector may so hold said article or articles in quarantine for said purpose or purposes.

(9) *Destruction of Plants, Etc.* If said Inspector shall at any time, either upon said first inspection or at any time thereafter while the said article or articles are being held as aforesaid, find that the same, or any of them, are infected with or contain any insect, blight, scale or disease injurious, or liable to become injurious, to trees, plants, or other vegetation of value, he shall, in his discretion, destroy the same or hold the same for further treatment.

(10) *What Constitutes Importation.* The landing of any article as aforesaid, for the purpose of inspection or quarantine, shall not be, nor be construed to be, an importation for the purpose of giving to the article or articles so landed any status, or the owner thereof any rights or privileges incident to the articles which have been imported into the Territory; but in legal effect the articles so landed for purposes of inspection shall be construed to still be without the Territory,

seeking entry into the Territory, and shall not, in whole or in part, be entitled to be imported into this Territory until a permit so to do, as aforesaid, shall have been issued by the Board or Officer or Inspector thereof.

(11) *Exceptions to Right to Import.* Nothing in this Act contained shall permit the importation of any article, or class of articles, or any article or class of articles from any particular place, if the same, or any of them, have, by special rule or regulation of the Board, as hereinbefore provided, been prohibited from importation into this Territory.

(12) *Port of Importation of Plants.* No nursery stock, soil, tree, sugar cane, shrub, plant, flower, vine, cutting, graft, cion, bud, seed, root, leaf, nut, moss, or other vegetable growth (except hay, grain, fruit, vegetables and nuts for immediate consumption) shall be imported into the Territory of Hawaii, saving and excepting through the port of Honolulu only.

#### SOILS.

SECTION 14. No soil, sand, or rocks or stone having soil adhering thereto, brought to this Territory as ballast, or separate from the roots of plants, trees or other vegetation, except such as are suitable for, and intended to be used as, or in the manufacture of fertilizer, or for building, mechanical or monumental purposes, shall be allowed to be landed in this Territory. If any vessel comes to this Territory with soil, sand, rocks or stones having soil adhering thereto, on board as ballast or in bulk, and it is desired to remove the same, it shall, except as aforesaid, be dumped at sea.

No soil or sand brought to this Territory in connection with or around the roots of plants, trees or other vegetation, or rocks or stones with soil or sand adhering to them, shall be allowed to be imported into this Territory, until the same shall have been removed to a suitable place for inspection and quarantine, and there held for such length of time as, in the discretion of the Board or its Officers or Agents, shall be necessary to prove that it is not infected with insects, blights,

scales, or diseases injurious to trees, plants or other vegetation of value.

#### FEES FOR INSPECTION, QUARANTINE, ETC.

SECTION 15. The Board shall, with the approval of the Governor, adopt a reasonable scale of charges, which may be changed from time to time, for the inspection, disinfection, fumigation and quarantine, authorized, required or permitted by this Act. Certificates and permits herein provided for concerning articles imported, or proposed to be imported, into this Territory, and the charges so provided for, shall be paid for in advance before any certificate or permit is delivered, or any of said articles are permitted to be landed. If thereafter further expense is incurred in the inspection, treatment or quarantine of any of said articles, the charges therefor shall be paid before any of said articles shall be delivered.

#### PENALTY.

SECTION 16. Any person violating any of the provisions of this Act, and any Master of any vessel which shall bring into this Territory any article which the Board shall at any time prohibit from being imported into this Territory; and the Master of any vessel from which shall be landed any article in this Act required to be inspected, until he shall have received a permit to land the said articles from the Board or its Officer or Inspector, as herein provided, shall be guilty of a misdemeanor, and shall be punished by a fine not to exceed \$500, or imprisonment as aforesaid, in the discretion of the Court.

#### RIGHT OF APPEAL.

SECTION 17. Any person who shall feel aggrieved at any decision of any Inspector of the Board shall have the right to appeal from such decision to the Board. The Board shall give a prompt hearing to the appellant and the Inspector upon such appeal, and decide the question at issue, which decision shall be final.

### EXPENDITURES.

SECTION 18. All persons authorized to be employed by the Board, and all expenditures authorized to be made by the Board, except salaries and expenditures specially fixed by the Legislature, shall be paid out of the general appropriation for Agriculture and Forestry.

### ASSISTANCE.

SECTION 19. The Board shall, so far as reasonably practicable, assist, free of cost to individuals, in the eradication of insects, blights, scale, and diseases injurious to vegetation of value; and shall in like manner distribute to points where needed, insects, growths and other antidotes for the eradication of insects, blights, scales and diseases injurious to vegetation of value, and for the eradication of vegetation of a noxious character.

### GENERAL POWERS.

SECTION 20. For the purpose of consolidating the power and authority relating to kindred matters, the powers and duties heretofore vested in the Commissioner of Agriculture and Forestry, are hereby transferred to and vested in the Superintendent of Public Works, who shall be the executive officer of the Board, subject to the superintendence and control of the Board.

The Board shall also have superintendence and control of the execution and enforcement of all other existing statutes relating to Agriculture and Forestry, and all other matters which may hereafter be placed within their jurisdiction by the Legislature.

Approved this 25th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.



**ACT 45.****AN ACT TO AUTHORIZE THE APPOINTMENT OF A COMMISSION TO  
COMPILE THE STATUTE LAWS OF THE TERRITORY OF HAWAII.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

*Whereas*, the abrogation of monarchy, the institution of a republican form of government and finally annexation to the United States of America have caused many changes and uncertainties in the body of statute laws of Hawaii; and

*Whereas*, the statute laws should be collected in an authoritative volume easy of access to all those by whom they must be obeyed:

SECTION 1. Therefore a Commission of three persons, one to be a native Hawaiian-American, to be designated as the Code-Commission be and is hereby constituted and authorized to compile all the statute laws of the Territory of Hawaii as they shall exist after the adjournment of this session of the Legislature.

SECTION 2. In making such compilation statutes obviously inconsistent with the Constitution of the United States or the Act to provide a Government for the Territory of Hawaii shall not be included, and when two or more statutes which are obviously repugnant to each other, the statute last enacted alone shall be included.

SECTION 3. Where two or more laws or parts thereof overlap each other or substantially cover the same ground the latter only shall be included.

SECTION 4. Where a statute is repugnant to the Constitution of the United States or the Act to provide a Government for the Territory of Hawaii in part only it may be modified so as to conform thereto.

SECTION 5. Where a statute refers to another statute which has been repealed and a subsequent statute has been enacted covering the same subject matter the first named statute may

be modified so as to refer to such new statute in place of such repealed statute.

SECTION 6. Mistakes or omission or erroneous reference to other statutes or other mistakes, obviously made through oversight or accident in the original statutes may be corrected.

SECTION 7. Statutes may be modified so as to express the intention manifested in later statutes either expressly or by clear implication; and where any statute or any part thereof is obviously obsolete or redundant, such statute or part thereof may be omitted.

SECTION 8. The compilation shall include a complete index, and as a prefix the Constitution of the United States, the Treaty of Annexation, the Joint Resolution of Annexation, the Act to provide a Government for the Territory of Hawaii, and marginal notes expressing the substance of each section; notes stating briefly the date of the original enactment of each section and of the amendment or amendments thereof, if any, and where, if at all, the same is found in previous compilations; also notes citing decisions, if any, published in the Hawaiian Reports construing or relating to the subject matter of each section.

SECTION 9. Any departure or change in the letter of existing laws made under the provisions of this Act, either by way of alteration or omission, shall be noted as near as may be to the laws affected thereby.

SECTION 10. The said compilation shall be printed and bound and shall be presented by the Commission to the Legislature at its next regular session; *provided, however*, that when said compilation is completed the Secretary of the Territory shall cause such a number of copies thereof as to him may seem necessary to be printed and bound, which when so printed and bound, may be furnished by him free of charge to Government officials for official use, and may be sold by him at Ten Dollars (\$10) a volume for the benefit of the Territory.

SECTION 11. The said Commission may recommend in a separate report such other changes not herein authorized to be made in the said compilation as they may deem advisable for the sake of clearness, consistency, brevity and efficiency.

SECTION 12. All the members of the said Commission shall be attorneys admitted to practice in the Supreme Court of the Territory and one of them may be a Judge of the Supreme Court or Circuit Courts. They shall be appointed and commissioned by the Governor by and with the advice and consent of the Senate.

SECTION 13. The members of said Commission shall be compensated in the sum of Six Thousand Dollars, and the said sum is hereby appropriated for that purpose.

The sum of Five Thousand Five Hundred Dollars is hereby appropriated for clerk hire and the printing of the compilation and the report as above described for presentation to the next Legislature.

SECTION 14. This Act shall take effect from the date of its approval.

Approved this 25th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 46.**

AN ACT TO AUTHORIZE DISTRICT MAGISTRATES TO ISSUE COMMISSIONS TO TAKE DEPOSITIONS OF WITNESSES IN CERTAIN CASES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be lawful for the district magistrate of any district, in any civil action pending before him, upon the application of any party to such action, and the payment

of the witness fees, to issue a commission for the examination of any witness residing in any district other than that in which the action is pending. Such commission shall be directed to the magistrate of the district in which such witness resides and forwarded to him with the witness fees, and it shall be the duty of such magistrate to summon such witness before him and to take his deposition as by such commission directed. Every such deposition shall be under oath, and shall be taken upon such written interrogatories and cross-interrogatories as may have been propounded by any party to such action, and forwarded with the commission to the magistrate to whom the same is directed. After such deposition shall have been taken, the magistrate taking the same shall immediately return the commission, with the interrogatories and cross-interrogatories accompanying it, the answers of the witness thereto, and a certificate that the deposition was taken by him as directed, to the magistrate by whom such commission was issued.

SECTION 2. Every objection to the propriety of any question put to such deponent or to the admissibility of any answer made by him may be made when the deposition is produced at the trial in the same manner as if the witness were personally present and examined.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 25th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 47.**

AN ACT TO PROVIDE FOR THE PUBLICATION OF ONE VOLUME OF THE REPORTS OF THE DECISIONS OF THE UNITED STATES DISTRICT COURT FOR THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be the duty of the Secretary of the Territory to cause to be printed, within twelve months from

the date hereof, one volume to be known as Volume One of the Reports of the Decisions of the United States District Court for the Territory of Hawaii.

*Provided, always,* that within three months from the date hereof Morris March Estee, the Judge of the said United States District Court for the Territory of Hawaii, shall assign to the Territory of Hawaii all and every right to print, publish, sell and distribute the said volume of the United States District Court Reports for the said Territory of Hawaii.

SECTION 2. The said Morris March Estee, Judge of the said United States District Court, is hereby authorized and empowered to prepare the syllabi of the said decisions, and shall deliver the said decisions, together with said syllabi and an index thereof, to the Secretary of the Territory of Hawaii, for the purpose of printing aforesaid, within six months from the date of the passage of this Act.

SECTION 3. There is hereby appropriated out of any money in the Treasury of the Territory of Hawaii, not otherwise appropriated, the sum of Seventeen Hundred Dollars, for the purpose of paying the expense incident to the printing, binding and distributing of said volume, and the said Secretary of the Territory is further authorized and empowered to have not less than seven hundred and fifty copies of the said volume so printed and bound; and the same shall be sold by him at a uniform price of not less than Three Dollars per volume.

SECTION 4. The Secretary of the Territory is further authorized and empowered to deliver one volume of the said Report to each Circuit Judge of the Territory, to each Supreme Judge of the Territory, to the Judge of the United States District Court of the Territory, to the United States District Attorney, to the Governor, the Attorney-General, the Secretary, Tax Collector and Superintendent of Public Works of the Territory, for use in the office of each of said persons.

SECTION 5. This Act shall take effect and be in force from and after its passage.

Approved this 25th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 48.**

AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC LIGHT AND POWER ON THE ISLAND OF OAHU, TERRITORY OF HAWAII.

*Whereas*, pursuant to a franchise granted by the Government of the Hawaiian Islands, the Hawaiian Electric Company, Limited, has constructed and developed an electric light and power system on the Island of Oahu, Territory of Hawaii; and

*Whereas*, Said Company is at the present time supplying light and power to the inhabitants of the said Island of Oahu; and

*Whereas*, Said franchise expires on the 3rd day of May, 1903, now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

**DEFINITIONS.**

SECTION 1. The following words and phrases wherever they are used or appear in this Act shall, unless the same be clearly inconsistent with the context, be construed to mean and be held to have the force and effect as follows:

(a) The "Company" shall mean, include and represent The Hawaiian Electric Company, Limited, and its successors and assigns.

(b) "Honolulu," or "District of Honolulu" shall refer to, include and mean all that portion of the Island of Oahu included in the taxation, educational and judicial district now defined by law as the "Honolulu District" or the "District of Honolulu."

SECTION 2. That the right is hereby granted to The Hawaiian Electric Company, Limited, as a body corporate under that or such other name as the said Company may hereafter adopt, and its successors and assigns for the term of thirty-five (35) years from and after the passage of this Act, to manufacture, sell, furnish and supply electric light, electric current, or electric power in the District of Honolulu, and elsewhere on the Island of Oahu, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purposes which it or they may deem advisable and from time to time for said term of thirty-five (35) years for the purposes above mentioned, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said District of Honolulu, and elsewhere on said Island of Oahu, and to connect the said lines, wires and conductors with any manufactory, private or public buildings, lamp, lamp-posts or other structure or object with the place of supply.

### BUILDINGS AND STATIONS.

SECTION 3. Said Company shall also have the right to maintain and operate its present light and power station on the corner of Halekauwila and Alakea Streets in said Honolulu, and also to construct, maintain and operate at such points as may from time to time be necessary, light and power stations, or houses, or such other buildings and structures as may be necessary and proper, and to use machinery therein for the purposes of the Company.

**METRES, RATES AND CHARGES.**

**SECTION 4.** Said Company shall also have the right to maintain, operate and use electric metres or other means of measuring electric light, power or current supplied from time to time and to locate the same at such places as may be deemed necessary for their protection; and said Company shall also have the right to charge, receive and collect from all consumers of electricity such prices as may from time to time be fixed and determined by the Company, but such charge shall not at any time exceed twenty (20c.) cents per kilowatt-hour or 1000 watt hours. The Company shall have the right to charge, receive and collect from each consumer of electricity for lighting the minimum sum of two (\$2.00) dollars per month, and from each consumer of electricity for power the minimum sum of one (\$1.00) dollar per month per horse-power of apparatus connected to the service of the Company.

**CONNECTIONS.**

**SECTION 5.** Said Company shall also have the right to charge consumers, or applicants for the use of electricity for one-half of the cost and expense of making connections between the Company's main lines and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators and other materials and labor necessary to be used in making such connection; provided, however, that the Company shall not be required to make, construct or maintain said connections as aforesaid for supplying light or power, unless the applicant or applicants for such light or power, if required, shall deposit in advance with the Company a sum of money sufficient to pay one-half of the cost and expense of making and constructing such connections and for current for the period of one month.

**SECTION 6.** The Company shall not be required to extend, construct or maintain its main lines beyond a distance of three hundred feet unless there be an applicant for each three hundred feet of extension or fraction thereof, and unless each applicant shall, in addition to the other requirements, in this Act



provided, agree to take, install and maintain five 16-candle power lights or one horse-power of power apparatus for not less than one year. Provided, however that if the Company is unable to furnish power or light applied for by reason of lack of capacity of the apparatus for producing electricity, the Company shall be allowed a reasonable time, not to exceed nine months from the date of any application, to procure such additional apparatus as may be necessary to furnish such applicant.

### SUPPLY OF ELECTRICITY.

SECTION 7. The Company shall have the right to discontinue or cut off the supply of electricity to any consumer who shall refuse or fail to pay the amount due for electricity supplied by said Company within such reasonable time as said Company may fix for the payment of the same, and such discontinuance of service or supply of electricity shall not prejudice the right of the Company to any remedies now or which may hereafter be authorized by law, for the recovery and collection of said amount.

### RULES AND REGULATIONS.

SECTION 8. The Superintendent of Public Works is hereby authorized to make, and from time to time to change, amend or add to, reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying the electric current, and the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity, which may be necessary or proper for the public safety and welfare.

No person, firm or corporation shall be allowed to place or maintain poles or wires along, upon or across any public street except such as are authorized by law so to do. Any person violating this provision last above mentioned shall, on conviction, be deemed guilty of a misdemeanor and be punished by a fine of not exceeding fifty (\$50.00) dollars or by imprisonment not exceeding three months. The Superintendent of

Public Works may at any time cause such poles or wires to be removed at the expense of the person, firm or corporation placing them or causing them to be placed in such position.

If at any time the Company, after reasonable notice given to it in writing shall fail to observe or execute the rules and regulations hereinbefore provided for, relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and apparatus, the Superintendent of Public Works may, in his discretion, after giving the Company reasonable notice thereof in writing of his intention so to do, proceed to remedy such failure, and the cost of such repairs or changes may be recovered from the Company by the Territory.

### SUPERVISION.

SECTION 9. The entire plant, operation, books and accounts of the Company shall, from time to time, be subject to the inspection of the Superintendent of Public Works or other officer appointed by him for that purpose.

### PAYMENTS TO THE GOVERNMENT.

SECTION 10. The said Company shall, within one month, after the expiration of each year, file with the Superintendent of Public Works a statement showing the gross receipts from the sale of electric light and power furnished by the Company, and shall, at the same time, pay to the Superintendent of Public Works two and a half per cent. (2 1-2 per cent.) of the gross receipts of the Company from all electric light or power furnished to consumers during the year preceding.

### PURCHASE OR LEASE.

SECTION 11. The said Company shall have the right to acquire, hold or take over, either by purchase or lease, property both real, personal or mixed, and such other property as may be necessary or incidental to the proper conduct of its business; said Company shall, however, not have the right to pur-

chase franchises and property of whatever nature of another Company of like nature.

### BORROWING OF MONEY AND ISSUANCE OF BONDS.

SECTION 12. The said Company whenever from time to time it shall be deemed expedient in the furtherance of the objects of the Company, shall have the power to borrow money and to secure the payment thereof, with the interest agreed upon, by mortgage of all or any portion of the property which may include the franchise of the Company and the franchises and privileges granted or obtained by virtue of this Act, or if it be deemed advisable, bonds may be issued, secured by a deed of trust of such property as aforesaid, together with all future acquired property as well as the income and receipts of the property from whatever source derived and in such form and under such terms as said Company may deem advisable. Provided, that nothing in this section contained shall operate to prevent said Company from obtaining the usual business credits, and to make promissory notes without security.

### PENALTIES.

SECTION 13. Whenever said Company refuses or fails to do or perform or comply with any act, matter or thing requisite or required to be done under the terms of this Act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the Superintendent of Public Works to comply therewith, the said Superintendent of Public Works shall, with the consent of the Governor and the Attorney-General, cause proceedings to be instituted before the proper tribunal to have the franchise granted by this Act and all rights and privileges granted thereunder, forfeited and declared null and void.

SECTION 14. Any person who shall wilfully or intentionally injure, molest or destroy any of the poles, lines, wires, metres, or other appliances or the material or property belonging thereto, or shall without permission or authority of the Company, connect or cause to be connected by poles and wires or

by any device with the wires, cables or conductors of the Company for the purpose of obtaining electric current for light, heat, or power, or whoever shall, without such permission or authority, cut or cause to be cut wires or other devices connected with any metre or metres erected or set up for the purpose of registering or recording the amount of electric current supplied to any consumer by the Company, or change or shunt the wiring leading to or from any such metre, or by any device, appliance or means whatsoever tamper with any such metre in such manner that such metre or metres will not measure or record the amount of electric current supplied to any consumer by the Company, shall be guilty of a misdemeanor, and upon conviction thereof in the District Court of Honolulu or other Court having jurisdiction thereof, shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment with hard labor not exceeding six months. Provided, however, that nothing herein contained shall be deemed to affect the right of the Company to recover by action at law damages for any injury done by such unlawful action.

#### GRANT NOT EXCLUSIVE.

SECTION 15. It is hereby expressly provided that nothing herein contained shall be so construed as to grant to the Company the exclusive right to furnish, sell or supply electric light or power.

SECTION 16. This Act shall take effect and become law from and after the date of its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 49.**

AN ACT RELATING TO THE PAYMENT OF CERTAIN BONDS, THE ISSUE OF WHICH BY THE GOVERNOR AND SECRETARY OF THE TERRITORY OF HAWAII HAS BEEN AUTHORIZED BY CONGRESS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

Whereas, the Governor and the Secretary of the Territory of Hawaii have been authorized by Congress to issue the Bonds of the Territory in such sum, not exceeding Five Hundred Thousand Dollars (\$500,000.00), as together with the money otherwise appropriated by Congress for such purpose may be sufficient to pay all judgments rendered under an Act of the Legislature of the said Territory by the Fire Claims Commission for property destroyed in the suppression of the Bubonic Plague:

SECTION 1. The principal and interest of such bonds shall be exempt from taxes, and the payment thereof is hereby assumed as a charge on the revenues of the Territory of Hawaii.

SECTION 2. This Act shall take effect upon its publication.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 50.**

AN ACT TO PROVIDE AGAINST THE ADULTERATION OF FOOD AND DRUGS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That no person shall within the Territory of Hawaii manufacture, offer for sale, keep for sale or sell, any

drug or article of food which is adulterated within the meaning of this Act.

SECTION 2. The term "drug" as used in this Act shall include all drugs, medicines or medical preparations for external or internal use, antiseptics, antiseptic dressings, disinfectants and cosmetics. The term "food" as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound.

SECTION 3. An article shall be deemed to be adulterated within the meaning of this Act:

(a) In the case of drugs:

(1) If, when manufactured, sold, offered for sale or kept for sale, under or by a name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality or purity laid down therein; (2) If, when manufactured, sold, offered for sale or kept for sale, under or by a name not recognized in the United States Pharmacopoeia, but which is found in some other Pharmacopoeia, or other standard work on *materia medica*, it differs from the standard of strength, quality or purity laid down in such work; (3) If its strength, quality or purity falls below the professed standard under which it is sold; (4) If it contains any substance inimical or dangerous to life, without the same being duly stated on the label or wrapper.

(b) In the case of food:

(1) If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) If it is an imitation of, or is manufactured, sold, kept for sale or offered for sale under the name of another article; (5) If it consists wholly or in part of a diseased, decomposed,

putrid, infected, tainted or rotten animal or vegetable substance, whether manufactured or not; (6) In the case of milk, if it is the produce of a diseased animal, or if it contains less than eleven and a half per centum total solids or two and a half per centum of butter fat, or if it contains any preservative or antiseptic; (7) If it is colored, coated, polished or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (8) If it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient in its manufacture; *Provided* that the provisions of this Act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not injurious to health, and contain no ingredient not necessary to the preparation of a genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated.

SECTION 4. If any person manufacturing, keeping for sale, offering for sale or exhibiting for sale any drug or article of food included in the provisions of this Act, shall refuse to furnish the duly appointed food commissioner, upon demand, either personal or in writing, a sample sufficient for the analysis of such drug or article of food which is in his possession, the food commissioner tendering the market price therefor, such refusal shall be *prima facie* evidence that such drug or article of food so manufactured, kept for sale, offered for sale or exhibited for sale is adulterated within the meaning of this Act.

SECTION 5. To carry out the provisions of this Act, the Board of Health shall appoint a duly qualified Food Commissioner or Analyst, who shall receive such salary as the Legislature shall from time to time appropriate, and who shall furnish good and sufficient bonds of not less than two thousand dollars (\$2,000.00) for the proper and unprejudiced performance of his duties, and who shall be provided by the

Board of Health with the necessary apparatus, together with a proper office and laboratory for work.

SECTION 6. It shall be the duty of the Food Commissioner to carefully inquire into the quality of the several articles which are foods, drugs or the necessary constituents of foods or drugs, manufactured or kept for sale, or sold or exposed for sale within the Territory of Hawaii; and he may in a lawful manner procure samples thereof, submit the same to careful examination, and report the result of such analysis of all or any of such drugs, food and drink products or dairy products as are adulterated, impure or unwholesome, in contravention of the laws of the Territory of Hawaii to the Board of Health; and it shall be the duty of the Food Commissioner to make complaint with the necessary evidence through the proper authorities, against such manufacturer or vendor.

SECTION 7. The Food Commissioner shall have power in the performance of his duties, to enter into any creamery, factory, store, salesroom, storageroom, drug store or laboratory, or any place where he has reason to believe food or drink are made, prepared, sold or offered for sale, and to open any cask, tub, bottle, case or package containing or supposed to contain any article of food or drink and examine or cause to be examined the contents thereof.

SECTION 8. The Food Commissioner shall make a monthly report in writing to the President of the Board of Health containing the results of inspection and analysis in detail, and upon request of said Board he shall furnish for publication a popular explanation of the same covering any month or period, together with any such other information as may come to him in his official capacity relating to the adulteration of drugs and food and drink products, so far as the same may be deemed by the said Board of Health to be of benefit and advantage to the public.



SECTION 9. The Food Commissioner shall investigate complaints on the information of any person who shall lay before him satisfactory evidence of the same.

SECTION 10. Whoever violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding two hundred, nor less than ten dollars, or imprisoned at hard labor not exceeding one hundred nor less than thirty days, or both.

SECTION 11. Jurisdiction is hereby conferred upon all District Magistrates to hear and determine all cases arising under this Act.

SECTION 12. Act 34 of the Session Laws of 1898 is hereby repealed.

SECTION 13. This Act shall take effect from and after the date of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 51.**

AN ACT CONCERNING CORPORATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any two or more corporations organized and existing under and in conformity with the laws of the Territory of Hawaii, may enter into partnership with each other, in conformity with Chapter 70 of the Session Laws of 1886, for the furtherance of their common objects, authorized in their charter or articles of association, and the laws applicable thereto.

SECTION 2. All acts to be done and proceedings required or made necessary by Chapter 70 of the Session Laws of 1886

in the formation of special partnerships, shall be done and performed by the officers of the respective corporations entering into such special partnerships.

SECTION 3. This Act shall take effect and be in force from and after its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 52.**

AN ACT TO AMEND SECTION 8 OF ACT 9 OF THE SESSION LAWS OF 1901 RELATING TO THE EXEMPTION OF THE WAGES OF LABORERS AND PERSONS WORKING FOR WAGES FROM ATTACHMENT, EXECUTION, DISTRESS AND FORCED SALE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 8 of Act 9 of the Session Laws of 1901 is hereby amended so as to read as follows:

“Section 8. One half of the wages due every laborer or person working for wages.”

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

**ACT 53.**

AN ACT AMENDING SECTIONS 1, 3, 4, 8, 12, AND 16, AND REPEALING SECTION 13 OF CHAPTER 50 OF THE SESSION LAWS OF 1890, BEING AN ACT ENTITLED "AN ACT TO FACILITATE THE COLLECTION OF DEBTS FROM GOVERNMENT BENEFICIARIES."

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Chapter 50 of the Session Laws of 1890 is hereby amended so that the same shall read as follows:

"Section 1. Any officer or employee, or other person in the service of the Government of the Territory of Hawaii or of any political or municipal subdivision thereof, or in receipt of, or entitled to a salary, stipend, wages, annuity or pension from the Government of said Territory, or any Department, Board or Bureau thereof, or from any political or municipal subdivision of said Territory, shall for the purposes of this Act, and of any proceedings hereunder, be known and described as a Government Beneficiary, hereinafter denominated such Beneficiary."

SECTION 2. Section 3 of Chapter 50 of the Session Laws of 1890 is hereby amended so that the same shall read as follows:

"Section 3. The creditor of such Beneficiary may bring his suit against his debtor, and in his petition or declaration allege, to the best of his knowledge:

1. The office of employment held or pursued by such beneficiary, in or under what Department, Board or Bureau of Government or subdivision of the Territory, where he is resident and where chiefly so employed;

2. The amount of the monthly salary, wages or stipend, the annual salary or pension, or annuity of such beneficiary;

3. The name of the officer through whom such beneficiary is accustomed or entitled to draw his salary, stipend, wages, annuity or pension."

SECTION 3. Section 4 of Chapter 50 of the Session Laws of 1890 is hereby amended so that the same shall read as follows:

"Section 4. In his prayer for process such creditor may include a request to the Court or Magistrate issuing the same to insert therein a direction to the officer serving the same to leave a true copy thereof, (which shall be attested by the High Sheriff, his Deputy, or some Sheriff, or Deputy Sheriff) with the Auditor of the Territory, or of the political or municipal subdivision of said Territory, or other officer through whom the salary, stipend, wages, annuity or pension of such debtor is sought to be attached, who shall hereinafter be called the Garnishee."

SECTION 4. Section 8 of Chapter 50 of the Session Laws of 1890 is hereby amended so that the same shall read as follows:

"Section 8. It shall not be incumbent upon such garnishee to appear in any Court or file any answer to such process, but the trial of such suit may proceed, in all respects, as though such garnishee had not been included in the suit. But from the time of the service of such copy on such garnishee, it shall be unlawful for him to draw, sign or issue any warrant payable to the order of such beneficiary as shall be named in such copy, or to any other person designated by such beneficiary, or permit or cause the same to be drawn, signed or issued for more than seventy-five per cent of the salary, stipend, wages, annuity or pension, which shall then be or shall thereafter become due, owing or payable to such beneficiary, until the suit against him shall have been withdrawn or dismissed, or the judgment obtained against him therein, if any, shall have been fully paid, with legal interest thereon; either of which events, as the case may be, shall be certified by the Court in or before which suit or proceeding has been pending. The amount or amounts not drawn against and withheld from such beneficiary in pursuance hereof shall be deemed sequestered in the Treasury of the Territory or subdivision thereof, as the case may be, from the time of such service on such garnishee. Provided, that no more shall be thus sequestered and not drawn against in advance of final judgment than shall

be sufficient to meet the demand of the plaintiff or plaintiffs in such suit or suits."

SECTION 5. Section 12 of Chapter 50 of the Session Laws of 1890 is hereby amended so that the same shall read as follows:

"Section 12. In case there shall be certified to such garnishee a judgment for the plaintiff, from or to which no appeal or exception shall, at the time of its rendition, have been noted, it shall be incumbent upon such garnishee to draw, sign and deliver to such plaintiff a warrant or warrants payable to the order of such plaintiff for such sum or sums, as shall theretofore have been sequestered and not drawn against in pursuance of such suit if such judgment shall equal or exceed such sum or sums. If the amount as sequestered and not drawn against shall not suffice to extinguish such judgment, then such sequestration and delivery to such plaintiff by such garnishee of a warrant payable to the order of such plaintiff shall continue from week to week, or from month to month, until such judgment, with legal interest thereon, shall be fully paid, or until such beneficiary shall quit the service and dissolve his relation to the Government upon which such sequestration is founded."

SECTION 6. Section 16 of Chapter 50 of the Session Laws of 1890 is hereby amended so that the same shall read as follows:

"Section 16. All warrants drawn and delivered on account of any such judgment, as hereinbefore provided, shall be noted and charged against such beneficiary in like manner as if they had been drawn and delivered to him personally on account such salary, stipend, wages, annuity or pension."

SECTION 7. Section 13 of Chapter 50 of the Session Laws of 1890 is hereby repealed.

SECTION 8. This Act shall take effect from the date of its publication, and all laws and parts of laws in conflict with any of the provisions hereof are hereby repealed.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE.

Governor of the Territory of Hawaii.

**ACT 54.**

AN ACT TO AMEND SECTION 9 OF ACT 51 OF THE SESSION LAWS OF 1896, RELATING TO INTERNAL TAXES, AND ADD A NEW SECTION CALLED SECTION 9A.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 9 of Act 51 of Session Laws of 1896 is hereby amended to read as follows:

“Section 9. All carriages, wagons, wagonettes, hearses, omnibuses, drawn by horses or mules, and automobiles used for the conveyance of persons, shall be subject to an annual tax of five dollars (\$5.00) each, to be paid by the owners thereof.”

“Section 9A. All bicycles used for the conveyance of persons shall be subject to an annual tax of one dollar, (\$1.00) each, to be paid by the owners thereof.”

SECTION 2. This Act shall take effect from and after its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE.

Governor of the Territory of Hawaii.

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**ACT 55.**

AN ACT TO AMEND SECTION 1, ACT 66, OF THE SESSION LAWS OF 1896.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Chapter 66, of the Session laws of 1896, is amended to read as follows:

Section 1. The following days of each year are hereby set apart and established as Territorial Holidays, to wit:

The first day of January,  
 The twenty-second day of February,  
 The thirtieth day of May,  
 The eleventh day of June,  
 The fourth day of July,  
 The first Monday in September, known as Labor Day,  
 The third Saturday in September, and  
 The twenty-fifth day of December.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
 Governor of the Territory of Hawaii.

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**ACT 56.**

AN ACT TO PROVIDE FOR REGISTERING AND CONFIRMING  
 TITLES TO LAND.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. This Act shall be cited as the Land Registration Act.

SECTION 2. A Court is hereby established, to be called the Court of Land Registration, which shall have exclusive original jurisdiction of all applications for the registration of title to land within the Territory, with power to hear and determine all questions arising upon such applications, and also have jurisdiction over such other questions as may come before it under this Act, subject, however, to the right of appeal, as hereinafter provided. The proceedings upon such

applications shall be proceedings *in rem* against the land, and the decrees shall operate directly on the land and vest and establish title thereto.

The Court shall hold its sittings in Honolulu, but may adjourn from time to time to such other places as the public conveniences may require. The Board of Supervisors in each County shall provide suitable rooms for the sittings of the Court of Land Registration, in the same building with or convenient to the Probate Court or the Registry of Deeds, and shall provide all necessary books and such printed blanks and stationery for use in registration proceedings as may be ordered by the Court. The Court shall have jurisdiction throughout the Territory, and shall always be open, except on Sundays and holidays established by law.

It shall be a Court of Record, and shall cause to be made a seal, and to be sealed therewith all orders, process and papers made by or proceeding from the Court and requiring a seal. All notices, orders and process of said Court may run into any judicial circuit and be returnable as the Court may direct.

The Court shall from time to time make general rules and forms for procedure, conforming as near as may be to the practice in the Probate Courts, but subject to the express provision of this Act and to general laws. Such rules and forms before taking effect shall be approved by the Supreme Judicial Court or a Justice thereof.

In this Act, except where the context requires a different construction, the word "Court" shall mean the Court of Land Registration.

SECTION 3. The Governor, with the advice and consent of the Senate, shall appoint one Judge of the Court of Land Registration who shall be appointed, commissioned and qualified as a Judge of Land Registration; and any vacancy shall be filled in the manner provided by the Laws of the Territory. Said Judge shall hold office until June 14, 1904, or until his successor is appointed, commissioned and qualified and there-



after he shall hold office for four years co-terminous with the Governor or until his successor is appointed and qualified. Said Judge at the time of his appointment shall have been a resident of the Territory of Hawaii or its predecessor for at least five years next preceding such appointment.

SECTION 4. The authority and jurisdiction of the Court of Land Registration shall begin and take effect as soon after July 1, 1903, as the Judge thereof is appointed and qualified. The Judge shall so arrange the sessions as to insure a prompt discharge of the business of the Court.

SECTION 5. Citations, orders of notice, and all other process issuing from the Court shall bear test of the Judge of Land Registration, and be under the seal of the Court and signed by the clerk.

SECTION 6. In case of a vacancy in the office of Judge of Land Registration, or of his absence or inability to perform his duties, the Governor shall appoint a competent Judge who shall perform them, until the vacancy is filled or any disability is removed, at a like compensation.

SECTION 7. The Judge of the Court of Land Registration shall appoint a Registrar, who shall be Clerk of the Court, and who shall hold office until June 14, 1904, or until his successor is appointed and qualified, and thereafter his term of office shall be for four years or until his successor is appointed and qualified.

He or his deputy shall attend the sessions of the Court and keep a docket of all causes and shall affix the seal of the Court to all process or papers proceeding therefrom and requiring a seal.

He shall be under the supervision of the Clerk of the Supreme Court in all respects as now provided by the Judiciary Act of 1892.

SECTION 8. The Registrar shall be under the direction of the Court, and shall have the custody and control of all

papers and documents filed with him under the provisions of this Act, and shall carefully number and index the same. Said papers and documents shall be kept in Honolulu in an office to be called the Land Registration Office, which shall be near the Court of Land Registration. The Registrar shall have authority, with the sanction of the Court, to employ such assistance and messengers as may be necessary.

SECTION 9. The Registrar may act in any judicial Circuit, and after lands have been registered under this Act he may make all memoranda affecting the title, and enter and issue certificates of title as provided herein.

SECTION 10. The Recorder in each registry district, where established, after any land within their respective districts has been registered under this Act, shall have the same authority as the Registrar to make all memoranda affecting the title of such land, and to enter and issue new certificates of title as provided herein, and to affix the seal of the Court to such certificates and duplicate certificates of title; but in executing the provisions of this Act the Recorder shall be subject to the general direction of the Registrar in order to secure uniformity throughout the Territory; and their official designation shall be Assistant Registrars for the registry district in which they are severally Recorders. In case of the death or disability of the Registrar the Recorder in Honolulu shall perform the duties of the Registrar until the vacancy is filled or the disability removed.

SECTION 11. The Registrar and all Assistant Registrars shall be sworn before the Judge of Land Registration, and a record thereof shall be made. They shall give bond in a sum to be fixed by the Court for the faithful performance of their official duties, before entering upon the same. They may administer oaths in all cases in which an oath is required, to persons appearing before them in matters pertaining to the registration of land. They shall keep accurate accounts of all moneys received as fees or otherwise, which shall be subject

to examination by the Clerk of the Supreme Court, in the same manner as accounts of deputy clerks, and they shall pay over such moneys monthly to the Treasurer of the Territory.

In case of the absence of any Assistant Registrar the Assistant Recorder for the district, or if there is no Assistant Recorder the person acting as Clerk of the Circuit Court of such Judicial Circuit shall perform the duties of the Assistant Registrar and the Assistant Registrar shall be responsible for him.

SECTION 12. The Judge of Land Registration may appoint one or more examiners of title in the First Judicial Circuit, or when necessary in any other Judicial Circuit, who shall be persons of good moral character, and shall have been declared by the Supreme Court of the Territory to be qualified for said office after examination in term or vacation. They shall be subject to removal by the Supreme Court of the Territory.

SECTION 13. The salary of the Judge of Land Registration shall be Three Thousand Dollars a year. The salary of the Registrar of the Court of Land Registration shall be Eighteen Hundred Dollars a year. The salaries of the Assistant Registrars, Examiners of Titles and all other assistants and messengers shall be fixed by the Governor. All salaries and expenses of the Court shall be paid from the Treasury of the Territory. All fees received with such applications shall be transmitted with the applications to the Registrar. The Registrar, Assistant Registrar, Examiner of Titles and their assistants shall have been at the time of their respective appointments residents of the Territory of Hawaii, or its predecessor, for at least five years next preceding their several appointments.

SECTION 14. Appeals shall be allowed from all decisions, judgments, orders or decrees of the Court of Land Registration to the Supreme Court in the same manner as appeals are

taken from the decision of the Circuit Judges in Chambers. If any matter of fact be in issue, appeals may be taken to the Circuit Court of the Circuit in which the land lies, or at the option of the party appealing, to the Circuit Court of the First Circuit, in the same manner as appeals are taken from decisions of a Judge of a Circuit Court in Chambers, sitting as a Court of Probate.

SECTION 15. At the end of the proceedings on appeal the Clerk of the Appellate Court shall certify to the Court of Land Registration the final decision on the appeal, and the Court of Land Registration shall enter the final decree in the cause, in accordance with the certificate of the Clerk of the Appellate Court.

SECTION 16. If the party appealing does not duly prosecute his appeal within the time limit, the original order, decision or decree shall stand as if no appeal had been taken.

SECTION 17. The Court of Land Registration, in all matters over which it has jurisdiction, may enforce its orders or decrees, in the same manner as decrees are enforced in equity, and upon the request of the Judge of Land Registration, the Sheriff of any district shall assign a deputy to attend the sittings of the Court in that district.

SECTION 18. Costs shall be taxed as in the case of Judges of the Circuit Court sitting in Chambers, when no different provision is made.

#### ORIGINAL REGISTRATION.

SECTION 19. Application for registration of title may be made by the following persons, namely:

First. The person or persons claiming, singly or collectively, to own the legal estate in fee simple;

Second. The person or persons claiming, singly or collec-

tively, to have the power of appointing or disposing of the legal estate in fee simple, whether absolute or possessory;

Third. The person or persons claiming, singly or collectively, to own the legal estate by possessory title only, or by qualified title only;

Fourth. Infants and other persons under disability may make application by their legally appointed guardians; but the person in whose behalf the application is made shall be named as applicant.

Corporations may make application by any officer duly authorized by a vote of the directors. Provided, however, that no mortgagor shall make application without the consent in writing of the mortgagee.

Nor one or more tenants claiming undivided shares less than a fee simple in the whole land described in the application.

Fifth. All Hawaiian corporations organized after this Act goes into effect, and all foreign corporations which may be desirous of carrying on business in this Territory, and to take, hold and convey real property therein, shall comply with Section 1 of Act 45 of the Laws of 1898; and all foreign corporations filing their certified copy of the charter or act of incorporation in compliance with said Section 1 after this Act goes into effect, shall register their titles to real property under this Act.

No such corporation, domestic or foreign, shall acquire or hold real estate within the Territory of Hawaii unless by registered title, and in default of proceedings taken and diligently pursued to a final determination, all real estate acquired or held by such corporations or association contrary hereto, shall be forfeited and escheat to the Territory of Hawaii.

If the holder of the mortgage does not consent to the making of the application, it may be entered nevertheless, and the

title registered subject to such mortgage, which may be dealt with or foreclosed as if the land subject to such mortgage had not been registered.

But the decree of registration in such case shall state that registration is made subject to such mortgage, describing it, which has not been registered, and shall provide that no subsequent certificate shall be issued and no further papers registered relating to such land after a foreclosure of such mortgage.

SECTION 20. The application may be filed with the Registrar, or with the Assistant Registrar, at the Registry of Deeds for the district in which the land or any portion thereof lies.

Upon filing his application the applicant shall forthwith cause to be filed in the Registry of Deeds for the said district or districts a memorandum stating that application for registration has been filed, and the date and place of filing, and a copy of the description of the land contained in the application. This memorandum shall be recorded and indexed by the Recorder with the records of deeds. Each Assistant Registrar shall also keep an index of all applications in his district, and in every case where the application is filed with him, shall transmit the same, with the papers and plans filed therewith, and such memorandum when recorded, to the Registrar.

SECTION 21. The application shall be in writing, signed and sworn to by the applicant or by some person duly authorized in his behalf. If there is more than one applicant, the application shall be signed and sworn to by, or in behalf of, each. It shall contain a description of the land, with a statement of whether an absolute, a qualified, or possessory title is required; and it shall state whether the applicant is married, and if married, the name in full of the wife or husband, the time and place of marriage, and the name and office of the officer performing the marriage ceremony; and if unmarried, whether he or she has been married, and if so, when and how the marriage relation terminated; and if by divorce, when, where and by what Court the divorce was granted. It shall

also state the name in full and the address of the applicant, and also the names and addresses of the adjoining owners and occupants, if known; and if not known, it shall state what search has been made to find them. If the applicant shall have been known by more than one name, he shall state all his names in full. It may be in form as follows:

TERRITORY OF HAWAII.

To the Honorable the Judge of the Court of Land Registration:

I (or we), the undersigned, hereby apply to have the land hereinafter described brought under the operation and provisions of the Land Registration Act, and to have my (or our) title therein registered and confirmed as an absolute (qualified or possessory) title. And I (or we) declare:

(1) That I am (or we are) the owner (or owners) in fee simple of a certain parcel of land, with the buildings (if any, and if not, strike out the clause), situate in (here insert accurate description).

(2) That said land at the last assessment for taxation was assessed at ..... Dollars; and the buildings (if any) at ..... Dollars.

(3) That I (or we) do not know of any mortgage or encumbrance affecting said land, or that any other person has any estate or interest therein, legal or equitable, in possession, remainder, reversion or expectancy. (If any, add "Other than as follows," and set forth each clearly.)

(4) That I (or we) obtained title (if by deed, state name of grantor, date and place of record, and file the deed, or state reason for not filing. If in any other way, state it).

(5) That said land is ..... occupied (if occupied state name in full and place of residence and postoffice address of occupant and the nature of his occupancy. If unoccupied, insert "not.")





shall at once make another appointment; and if he fails to do so the Court may dismiss the application.

SECTION 23. Amendments to the application, including joinder, substitution, or discontinuing as to parties, shall be allowed by the Court at any time upon terms that are just and reasonable; but all amendments shall be in writing, signed and sworn to, like the original.

SECTION 24. An application may include two or more contiguous parcels of land, or two or more parcels constituting one holding under one and the same title, within the same registry district.

But two or more persons claiming in the same parcels different interests, which collectively make up the legal estate in fee simple in each parcel, shall not join in one application for more than one parcel unless their interests are alike in each and every parcel. The Court may at any time order an application to be amended by striking out one or more of the parcels, or by a severance of the application.

SECTION 25. If the application describes the land as bounded on a public or private way it shall state whether or not the applicant claims any and what land within the limits of the way, and whether the applicant desires to have the line of the way determined.

SECTION 26. The applicant shall file with the application a plan of the land, and all original muniments of title within his control mentioned in the schedule of documents. Such original muniments as affect land not included in the application may be withdrawn on filing certified copies of the same. When an application is dismissed or discontinued the applicant may, with the consent of the Court, withdraw such original muniments of title.

SECTION 27. When an application is made subject to an existing recorded mortgage, the holder of which has consented thereto or to a recorded lease for a term exceeding one year, or when the registration is to be made subject to such a mortgage or lease executed after the time of the application

and before the date of the transcription of the decree, the applicant shall, if required by the Court, file a certified copy of such mortgage or lease, and shall cause the original, or, in the discretion of the Court, a certified copy thereof, to be presented for registration before a decree of registration is entered.

SECTION 28. The Court may by general rule require facts to be stated in the application in addition to those prescribed by this Act, and not inconsistent therewith, and may require the filing of any additional papers.

SECTION 29. After the filing of an application, and before registration, the land therein described may be dealt with, and instruments relating thereto shall be recorded in the same manner as if no such application had been filed, but all instruments left for record relating to such land shall be indexed in the usual manner in the registry indexes, and also in the index of applications. As soon as an application is disposed of the Registrar shall make a memorandum, stating the disposition of the case, and shall send the same to the Recorder for the proper district or districts, who shall record and index it with the records of deeds, and in the index of applications. If the proceedings upon the application end in a decree of registration of title the land included therein shall, as soon as the said decree is transcribed, as hereinafter provided in Section 41, become registered land, and thereafter no deeds or other instruments relating solely to such land shall be recorded with the records of deeds, but shall be registered in the registration book and filed and indexed with the records and documents relating to registered land.

SECTION 30. Immediately after the filing of an application the Court shall enter an order referring it to one of the examiners of title, who shall search the records and investigate all facts stated in the application, or otherwise brought to his notice and file in the case a report thereon, concluding with a certificate of his opinion upon the title. The Registrar shall give notice to the applicant of the filing of such report. If the opinion of the examiner is adverse to the applicant he

shall be allowed by the Court a reasonable time in which to elect to proceed further or to withdraw his application. The election shall be made in writing and filed with the Registrar.

SECTION 31. If, in the opinion of the examiner, the applicant has a good title as alleged, and proper for registration, or, if the applicant after an adverse opinion of the examiner, elects to proceed further, the Registrar shall, immediately upon the filing of the examiner's opinion, or the applicant's election, as the case may be, cause notice of the filing of the application to be published by the Registrar in some newspaper of general circulation. Only such newspapers shall be eligible for selection to receive such advertisements. The notice shall be issued by the order of the Court, attested by the Recorder, and shall be in form substantially as follows:

REGISTRATION OF TITLE.

Honolulu .....	} S. S.
Territory of Hawaii.	
Court of Land Registration.	

To (here insert the names of all persons known to have an adverse interest, and the adjoining owners and occupants, so far as known), and to all whom it may concern:

*Whereas* an application has been presented to said Court by (name or names and address in full) to register and confirm his (or their) title in the following described land (insert description.)

You are hereby cited to appear at the Court of Land Registration to be held at.....in said Island of..... on the.....day of .....A. D..... at.... o'clock in the forenoon, to show cause, if any you have, why the prayer of the said application should not be granted. And unless you appear at said Court at the time and place aforesaid your default will be recorded, and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness....., Esquire, Judge of said Court, this  
 .....day of ....., in the year nineteen hun-  
 dred and.....

Attest:

.....  
 Registrar.

SECTION 32. The return day of said notice shall be not less than twenty, nor more than sixty days from the date of issue. The Court shall also, within seven days after publication of said notice in a newspaper, cause a copy of the same to be mailed by the Registrar to every person named therein whose address is known. The Court shall also cause a duly attested copy of the notice to be posted in a conspicuous place on each parcel of land included in the application, by a Sheriff or Deputy Sheriff, fourteen days at least before the return day thereof, and his return shall be conclusive proof of such service. If the applicant requests to have the line of a public way determined the Court shall order notice to be given by the Registrar by mailing a registered letter to the Chairman of the Board of Supervisors of the County where the land lies. If the land borders on a river, or shore, or on an arm of the sea where a river or harbor line has been established, or on a great pond, or if it otherwise appears from the application or the proceedings that the Territory may have a claim adverse to that of the applicant, notice shall be given in the same manner to the Attorney-General. The Court may also cause other or further notice of the application to be given in such manner and to such persons as it may deem proper. The Court shall, so far as it deems it possible, require proof of actual notice to all adjoining owners and to all persons who appear to have any interest in or claim to the land included in the application. Notice to such persons by mail shall be by registered letter. The certificate of the Registrar that he has served the notice as directed by the Court, by publishing or mailing, shall be filed in the case before the return day, and shall be conclusive proof of such service.

SECTION 33. Upon the return day of the notice, and proof of service of all orders of notice issued, the Court may appoint a disinterested person to act as guardian *ad litem* for minors,

and for all persons not in being, unascertained, unknown or out of the Territory, who may have an interest. The compensation of the guardian or agent shall be determined by the Court and paid as part of the expenses of the Court.

SECTION 34. Any person claiming an interest, whether named in the notice or not, may appear and file an answer on or before the return day, or within such further time as may be allowed by the Court. The answer shall state all objections to the application, and shall set forth the interest claimed by the party filing the same, and shall be signed and sworn to by him or by some person in his behalf. The Surveyor or the County Surveyor may appear in any case and be heard upon the facts pertaining to the accuracy of the location or survey, according to rules laid down by the Court.

SECTION 35. If no person appears and answers within the time allowed the Court may at once, upon motion of the applicant, no reason to the contrary appearing, order a general default to be recorded and the application to be taken for confessed. By the description in the notice "to all whom it may concern," all the world are made parties defendant and shall be concluded by the default and order. After such default and order the Court may enter a decree confirming the title of the applicant and ordering registration of the same. The Court shall not be bound by the report of the examiner of title, but may require other or further proof.

SECTION 36. If in any case an appearance is entered and answer filed, the cause shall be set down for hearing on the motion of either party, but a default and order shall first be entered against all persons who do not appear and answer, in the manner provided in the preceding Section. The Court may refer the cause or any part thereof to one of the examiners of title, as master, to hear the parties and their evidence, and make report thereof to the Court. His report shall have the same weight as that of a master appointed by the Judge of the Circuit Court in Chambers, and he shall proceed according to the rules of said Court applicable to masters, except as the same may be modified by the rules of the Court of Land Registration. The Court, before granting a decree, shall re-

quire a map of the land in question to be filed. Such map, or maps, or plans may be required to show all data necessary to enable the lines thereon to be reproduced upon the ground. Such maps or plans shall also contain, or be accompanied by, such data (as survey lines or field notes) from enduring monuments, that the destruction of temporary monuments will not render it impracticable to enforce a decree based upon plans.

Distances and functions of necessary angles must be shown definitely, not approximately. The Court may order durable bounds to be set and referred to in the application by amendment and may make such additional rules and instructions in regard to surveys as it may deem proper. The expenses of surveys and bounds shall be taxed in the costs of the case and may be apportioned among the parties, as justice may require. If no persons appear to oppose the application, such expenses shall be borne by the applicant.

The Court may waive in its discretion any part or all of the requirements hereof, when it may deem the interests of justice and equity require such waiver.

**SECTION 37.** If in any case the Court finds that the applicant for an absolute title has not title proper for registration of an absolute title a decree shall be entered dismissing the application and such decree may be ordered to be without prejudice. The applicant may withdraw his application at any time before final decree, upon terms to be fixed by the Court. The applicant may be allowed to amend his application, at any time before final decree, upon terms to be fixed by the Court, to make it conform to the procedure for registering a possessory title only, or the registration of a qualified title only.

**SECTION 38.** If the Court after hearing finds that the applicant has title, as stated in his application, and proper for registration, a decree of confirmation and registration shall be entered. Every decree of registration of absolute title shall bind the land, and quiet the title thereto, subject only to the exceptions stated in the following Section. It shall be conclusive upon and against all persons, including the Terri-

tory, whether mentioned by name in the application, notice or citation, or included in the general description "to all whom it may concern." Such decree shall not be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any proceeding at law or in equity for reversing judgments or decrees; subject, however, to the right of any person deprived of land or of any estate or interest therein by a decree of registration obtained by fraud to file a petition for review within one year after the entry of the decree, provided no innocent purchaser for value has acquired an interest. If there is any such purchaser the decree of registration shall not be opened but shall remain in full force and effect forever, subject only to the right of appeal hereinbefore provided. But any person aggrieved by such decree in any case may pursue his remedy by action of tort against the applicant or any other person for fraud in procuring the decree.

#### POSSESSORY TITLE MAY BE REGISTERED IN CERTAIN CASES.

When a possessory title only is required, the applicant may be registered as the owner of the fee simple on giving such evidence of actual *bona fide* possession and of title, and serving such notices, if any, as may from time to time be ordered by the Court. The registration of any person as first registered owner of land with a possessory title only, shall not affect or prejudice the enforcement of any estate, right, or interest adverse to or in derogation of the title of such first registered owner, and subsisting or capable of arising at the time of the registration of such owner; but save as aforesaid, shall have the same effect as registration of a person with an absolute title.

#### QUALIFIED TITLE MAY BE REGISTERED IN CERTAIN CASES.

When an absolute title has been applied for, and on examination of title it appears to the Court that the title can be established only for a limited period or subject to certain reservations, or upon application claiming such a qualified title,

the Court, on the application of the party applying to be registered, may except, from the effects of registration, by an order included in his decree, any estate, right, or interest arising before a specified date, or arising under a specified instrument, or otherwise particularly described in the decree.

A title registered subject to such excepted estate, right or interest, shall be called a qualified title. The registration of a person as first registered owner of land with a qualified title shall have the same effect as the registration of such person with an absolute title, save that registration with a qualified title shall not affect or prejudice the enforcement of any estate, right or interest appearing by the register to be excepted.

SECTION 39. Every applicant receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value and in good faith, shall hold the same free from all encumbrances except those noted on the certificate, and any of the following encumbrances which may be subsisting, namely:

First. Liens, claims or rights arising or existing under the laws or Constitution of the United States, which the Statutes of this Territory cannot require to appear of record in the registry.

Second. Taxes within two years after the same have been assessed against the land.

Third. Any highway, town-way or any private way laid out under the provisions of law, when the certificate of title does not state that the boundary of such way has been determined.

Fourth. Any lease for a term not exceeding one year.

Fifth. Any liability to assessment for betterments, or statutory liability which may attach to land in this Territory as a lien prior to or independent of, the recording or registering of any paper; provided, however, that if there are easements or other rights, appurtenant to a parcel of registered land



which for any reason have failed to be registered, such easements or rights shall remain so appurtenant notwithstanding such failure, and shall be held to pass with the land until cut off or extinguished by the registration of the servient estate, or in any other manner.

SECTION 40. Every decree of registration shall bear the date of the year, day, hour and minute of its entry, and shall be signed by the Registrar. It shall state whether the owner is married or unmarried, and if married the full name of the husband or wife. If the owner (or spouse of the owner) has been known by more than one name, all the names of such person shall be stated. The wife's maiden name and surname shall be stated in all cases. If the owner is under disability it shall state the nature of the disability, and if a minor shall state his age. It shall contain a description of the land as finally determined by the Court, and shall set forth the estate of the owner, and also, in such manner as to show their relative priority, or particular estates, mortgages, easements, liens, attachments and other encumbrances, including rights of husband or wife, if any, to which the land or the owner's estate is subject, and may contain any other matter properly to be determined in pursuance of this Act. The decree shall be stated in a convenient form for transcription upon the certificates of title hereinafter mentioned.

SECTION 41. Immediately upon the entry of the decree of registration the Registrar shall send a certified copy thereof under the seal of the Court, to the Recorder for the registry district or districts in which the lands lie, and the Recorder as Assistant Registrar, shall transcribe the decree in a book to be called the Registration Book, in which a leaf or leaves in consecutive order shall be devoted exclusively to each title. The entry made by the Assistant Registrar in this book in each case shall be the original certificate of title, and shall be signed by him and sealed with the seal of the Court. All certificates of title shall be numbered consecutively, beginning with number one. The Assistant Registrar shall in each case make an exact duplicate of the original certificate, including the seal, but putting on it the words "Owner's duplicate cer-

tificate," and deliver the same to the owner, or to his attorney duly authorized.

In case of a variance between the owner's duplicate certificate and the original certificate the original shall prevail. The certified copy of the decree of registration shall be filed and numbered by the Assistant Registrar with a reference noted on it to the place of record of the original certificate of title; provided, however, that when more than one registration district shall have been established and when an application includes land lying in more than one registration district the Court shall cause the part lying in each district to be described separately by metes and bounds in the decree of registration, and the Registrar shall send to the Assistant Registrar for each registry district a copy of the decree containing a description of the land within that district, and the Assistant Registrar shall register the same and issue an owner's duplicate therefor, and thereafter for all matters pertaining to registration under this Act the portion in each district shall be treated as a separate parcel of land.

**SECTION 42.** The certificate first registered in pursuance of a decree of registration in regard to any parcel of land shall be entitled in the registration book, "Original certificate of title, entered pursuant to decree of the Court of Land Registration, dated at" (stating time and place of entry of decree and the number of the case). The certificate shall take effect from the date of the transcription of the decree. Subsequent certificates relating to the same land shall be in like form, but shall be entitled "Transfer from No....." (the number of the next previous certificate relating to the same land), and also the words "Originally registered" (date, volume and page of registration).

**SECTION 43.** Where two or more persons are registered owners as tenants in common, or otherwise, one owner's duplicate certificate may be issued for the whole land, or a separate duplicate may be issued to each for his undivided share.

**SECTION 44.** A registered owner holding one duplicate certificate for several distinct parcels of land may surrender it,

with the approval of the Court, and take out several certificates for portions thereof. So a registered owner holding separate duplicate certificates for several distinct parcels may surrender them, and with like approval, take out a single duplicate certificate for the whole land, or several certificates for different portions thereof. Any owner sub-dividing a tract of registered land into lots shall file with the Registrar a plan of such land, when applying for a new certificate or certificates, and the Court, before issuing the same, shall cause the plan to be verified, and require that all boundaries, streets and passage-ways shall be distinctly and accurately delineated thereon.

SECTION 45. The obtaining of a decree of registration, and the entry of a certificate of title, shall be regarded as an agreement running with the land, and binding upon the applicant and all his successors in title, that the land shall be and forever remain registered land, and subject to the provisions of this Act and of all Acts in amendment hereof.

SECTION 46. No title to registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession. *Provided, however,* that this Section shall not prejudice any adverse claim, as against any person registered as first owner of land with a possessory title only, in respect of length of possession of any other person, who was in possession of the land at the time when the registration of such first owner took place.

SECTION 47. The original certificate in the registration book, any copy thereof duly certified under the signature of the Registrar or Assistant Registrar, and the seal of the Court, and also the owner's duplicate certificate, shall be received as evidence in all the Courts of the Territory, and shall be conclusive as to all matters contained therein, except so far as otherwise provided in this Act.

SECTION 48. Every certificate of title shall set forth the names of all the persons whose estates make up the estate in fee simple in the whole land, and duplicate certificates may

be issued to each person, but the Registrar or Assistant Registrar shall note in the registration book, and on each duplicate, to whom such duplicate was issued.

SECTION 49. The Registrar, under the direction of the Court, shall make and keep indexes of all applications and of all decrees of registration, and shall also index and classify all papers and instruments filed in his office relating to applications and to registered titles. The Registrar shall also, under the direction of the Court, cause forms of indexes and registration and entry books to be prepared for the use of the Assistant Registrars.

The Court shall prepare and adopt convenient forms of certificates of title, and shall also adopt general forms of memoranda to be used by the Assistant Registrars in registering the common forms of conveyance, and other instruments, to express briefly their effect.

#### VOLUNTARY DEALING WITH LAND AFTER ORIGINAL REGISTRATION.

SECTION 50. An owner of registered land may convey, mortgage, lease, charge or otherwise deal with the same as fully as if it had not been registered. He may use forms of deeds, mortgages, leases or other voluntary instruments like those now in use and sufficient in law for the purpose intended. But no deed, mortgage or other voluntary instrument, except a will and a lease for a term not exceeding one year, purporting to convey or affect registered land, shall take effect as a conveyance or bind the land, but shall operate only as a contract between the parties, and as evidence of authority to the Registrar or Assistant Registrar to make registration. The act of registration shall be the operative act to convey or affect the land, and in all cases under this Act the registration shall be made in the office of the Assistant Registrar for the district or districts where the land lies. The Court of Land Registration may provide by its rules for forms of conveyances respecting registered land.

SECTION 51. Every conveyance, lien, attachment, order, decree, instrument or entry affecting registered land, which would under existing laws, if recorded, filed or entered in the registry of deeds, affect the real estate to which it relates, shall, if registered, filed or entered in the office of the Assistant Registrar of the district where the real estate to which such instrument relates lies, be notice to all persons from the time of such registering, filing or entering.

SECTION 52. No new certificate shall be entered or issued upon any transfer of registered land which does not divest the title in fee simple from the owner or some one of the registered owners. All interests in registered land less than an estate in fee simple shall be registered by filing with an Assistant Registrar the instrument creating or transferring or claiming such interest, and by a brief memorandum thereof made by an Assistant Registrar upon the certificate of title, and signed by him. A similar memorandum shall also be made on the owner's duplicate. The cancellation or extinguishment of such interests shall be registered in the same manner.

SECTION 53. Where the Assistant Registrar is in doubt upon any question, or where any party in interest does not agree as to the proper memorandum to be made in pursuance of any deed, mortgage, or other voluntary instrument presented for registration, the question shall be referred to the Court for decision, either on the certificate of the Assistant Registrar, stating the question upon which he is in doubt, or upon the suggestion in writing of any party in interest; and the Court, after notice to all parties and a hearing, shall enter an order prescribing the form of memorandum to the Assistant Registrar, who shall make registration in accordance therewith.

SECTION 54. Every deed or other voluntary instrument presented for registration shall contain or have endorsed upon it

the full name or names, if more than one, place of residence, and postoffice address of the grantee or other person acquiring or claiming an interest under such instrument, and every deed shall also state whether the grantee is married or unmarried, and if married, give the name in full of the husband or wife, including the maiden name of the wife in full. Any change in the residence or postoffice address of such person shall be endorsed by an Assistant Registrar on the original instrument, on receiving a sworn statement of such change. All names and addresses shall also be entered on all certificates. Notices and process issued in relation to registered land in pursuance of this Act may be served upon any person in interest by mailing the same to the address so given, and shall be binding, whether such person resides within or without the Territory.

SECTION 55. No new certificate of title shall be entered, and no memorandum shall be made upon any certificate of title by the Registrar or Assistant Registrar, in pursuance of any deed or other voluntary instrument, unless the owner's duplicate certificate is presented with such instrument, except in cases expressly provided for in this Act or upon the order of the Court, for cause shown; and whenever such order is made a memorandum thereof shall be entered on the new certificate of title and on the owner's duplicate. The production of the owner's duplicate certificate whenever any voluntary instrument is presented for registration shall be conclusive authority from the registered owner to the Registrar or any Assistant Registrar to enter a new certificate or to make a memorandum of registration in accordance with such instrument, and the new certificate or memorandum shall be binding upon the registered owner and upon all persons claiming under him, in favor of every purchaser for value and in good faith; *provided, however,* that in all cases of registration procured by fraud the owner may pursue all his legal and equitable remedies against the parties to such fraud, without

prejudice however to the rights of any innocent holder for value of a certificate of title; and *provided, further,* that after the transcription of the decree of registration on the original application any subsequent registration under this Act procured by the presentation of a forged duplicate certificate, or forged deed or other instrument, shall be null and void. In case of the loss or theft of an owner's duplicate certificate notice shall be sent by the owner or by some one in his behalf to the Assistant Registrar for the district in which the land lies as soon as the loss or theft is discovered.

SECTION 56. The Assistant Registrar shall keep an entry book in which he shall enter in the order of their reception all deeds and other voluntary instruments, and all copies of writs or other process filed with him relating to registered land. He shall note in such book the year, month, day, hour and minute of reception of all instruments, in the order in which they are received. They shall be regarded as registered from the time so noted, and the memorandum of each instrument when made on the certificate of title to which it refers shall bear the same date.

Every deed or other instrument, whether voluntary or involuntary, so filed with the Registrar or Assistant Registrar shall be numbered and indexed, and indorsed with a reference to the proper certificate of title. All records and papers relating to registered land in the office of the Registrar or of any Assistant Registrar shall be open to the public in the same manner as Probate records are now open, subject to such reasonable regulations as the Registrar, under the direction of the Court, may make.

Duplicates of all deeds and voluntary instruments filed and registered may be presented with the originals, and shall be attested and sealed by the Registrar or an Assistant Registrar and indorsed with the file number and other memoranda on the originals, and may be taken away by the person presenting the same.

Certified copies of all instruments filed and registered may also be obtained at any time on payment of the Assistant Registrars' fees.

### CONVEYANCE OF FEE.

SECTION 57. An owner desiring to convey in fee his registered land or any portion thereof shall execute a deed of conveyance, which the grantor or the grantee may present to the Assistant Registrar in the district where the land lies.

The grantor's duplicate certificate shall be produced and presented at the same time. The Assistant Registrar shall thereupon, in accordance with the rules and instructions of the Court, make out in the registration book a new certificate of title to the grantee, and shall prepare and deliver to him an owner's duplicate certificate. The Assistant Registrar shall note upon the original and duplicate certificates the date of transfer, the volume and page of the registration book where the new certificate is registered, and a reference by number to the last prior certificate. The grantor's duplicate certificate shall be surrendered, and the word "cancelled" stamped upon it. The original certificate shall also be stamped "cancelled." The deed of conveyance shall be filed and indorsed with the number and place of registration of the certificate of title of the land conveyed.

SECTION 58. When a deed in fee is for part only of the land described in a certificate of title the Assistant Registrar shall also enter a new certificate and issue an owner's duplicate to the grantor for the part of the land not included in the deed. In every case of transfer the new certificate or certificates shall include all the land described in the original and surrendered certificates; *provided, however*, that no new certificate to a grantee of a part only of the land shall be invalid by reason of the failure of the Assistant Registrar to enter a new certificate to the grantor for the remaining unconveyed portion, and *provided, further*, that in case the land described in a



certificate of title is divided into lots, designated by numbers or letters, with measurements of all the bounds, and a plan of said land has been filed with the Registrar and verified pursuant to Section Forty-four of this Act, and a certified copy thereof is recorded in the registration book with the original certificate, when the registered owner makes a deed or transfer in fee of one or more of such lots, the Assistant Registrar may, instead of cancelling such certificate and entering a new certificate to the grantor for the part of the land not included in the deed of transfer, enter on the original certificate and on the owner's duplicate certificate a memorandum of such deed of transfer, with a reference to the lot or lots thereby conveyed as designated on such plan, and that the certificate is cancelled as to such lot or lots; and every certificate with such memorandum shall be as effectual for the purpose of showing the grantor's title to the remainder of the land not conveyed as if the old certificate had been cancelled and a new certificate of such land had been entered; and such process may be repeated so long as there is convenient space upon the original certificate and the owner's duplicate certificate for making such memorandum of sale of lots.

SECTION 59. If at the time of any transfer there appears upon the registration book encumbrances or claims adverse to the title of the registered owner they shall be stated in the new certificate or certificates, except so far as they may be simultaneously released or discharged.

### MORTGAGES.

SECTION 60. The owner of registered land may mortgage the same by executing a mortgage deed, and such deed may be assigned, extended, discharged, released in whole or in part, or otherwise dealt with by the mortgagee by any form or deed or instrument sufficient in law for the purpose. But such mortgage deed, and all instruments assigning, extending, discharging and otherwise dealing with the mortgage, shall be regis-

tered, and shall take effect upon the title only from the time of registration.

SECTION 61. Registration of a mortgage shall be made in the manner following, to wit: The owner's duplicate certificate shall be presented to the Assistant Registrar with the mortgage deed, and he shall enter upon the original certificate of title and also upon the owner's duplicate certificate a memorandum of the purport of the mortgage deed, the time of filing, and the file number of the deed, and shall sign the memorandum. He shall also note upon the mortgage deed the time of filing and a reference to the volume and page of the registration book where it is registered.

The Assistant Registrar shall also, at the request of the mortgagee, make out and deliver to him a duplicate of the certificate of title, like the owner's duplicate, except that the words "Mortgagee's duplicate" shall be stamped upon it in large letters diagonally across its face. A memorandum of the issue of the mortgagee's duplicate shall be made upon the original certificate of title.

SECTION 62. Whenever a mortgage upon which a mortgagee's duplicate has been issued is assigned, extended or otherwise dealt with, the mortgagee's duplicate shall be presented with the instrument assigning, extending or otherwise dealing with the mortgage, and a memorandum of the instrument shall be made upon the mortgagee's duplicate certificate. When the mortgage is discharged or otherwise extinguished the mortgagee's duplicate certificate shall be surrendered and stamped "Cancelled."

The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented, subject, however, to all the provisions and exceptions contained in Section Fifty-six of this Act so far as the same are applicable.

A mortgage on registered land may be discharged by the mortgagee in person on the registration book in the same manner as a mortgage on unregistered land may be discharged by an entry on the record book in the registry of deeds, and such discharge shall be attested by an Assistant Registrar.

SECTION 63. Mortgages of registered land may be foreclosed like mortgages of unregistered land; but in case of foreclosure by entry and possession the certificate of entry required by Chapters 33 and 48, Session Laws of 1874, as amended shall be filed and registered by an Assistant Registrar within thirty days after the entry, in lieu of recording. After possession has been obtained by the mortgagee or his assigns by entry or by action, and continued for the time required by law to complete foreclosure, he or his assigns may petition the Court of Registration for the entry of a new certificate, and the Court, after notice to all parties in interest, shall have jurisdiction to hear the cause, and may order the entry of a new certificate on such terms as equity and justice may require.

In case of foreclosure by action or by exercising the power of sale in the mortgage as provided by Chapter 33, Session Laws of 1874, a certified copy of the final decree of the Court confirming the sale may be filed with an Assistant Registrar or his deputy after the time for appealing therefrom has expired and the purchaser shall thereupon be entitled to the entry of a new certificate.

In case of foreclosure by exercising the power of sale without a previous decree of Court the affidavit required by Chapter 33, Session Laws of 1874, shall be filed and registered with the Assistant Registrar in lieu of recording. The purchaser at the foreclosure sale or his assigns may thereupon at any time present the deed under the power of sale to the Assistant Registrar for filing and registration, and obtain a new certificate, the owner's duplicate certificate and the mortgagee's duplicate, if any, being first delivered up and cancelled; *provided, however*, that nothing contained in this Act shall be construed to prevent the mortgagor or other person in interest from di-

rectly impeaching, by bill in equity or otherwise, any foreclosure proceedings affecting registered land, prior to the entry of a new certificate of title.

After a new certificate of title has been entered no judgment recovered on the mortgage note for any balance due thereon shall operate to open the foreclosure or affect the title to registered land.

### LEASES.

SECTION 64. Leases of registered land for a term of one year or more shall be registered, in lieu of recording. A lessee's duplicate certificate may be issued to the lessee upon his request, subject to the provisions hereinbefore made in regard to a mortgagee's duplicate certificate, so far as the same are applicable.

### TRUSTS.

SECTION 65. Whenever a deed or other instrument is filed for the purpose of transferring registered land in trust, or upon any equitable condition or limitation expressed therein, or for the purpose of creating or declaring a trust or other equitable interest in such land without transfer, the particulars of the trust, condition, limitation or other equitable interest shall not be entered on the certificate; but a memorandum thereon shall be entered by the words "In trust," or "upon condition," or other apt words, and by a reference by number to the instrument authorizing or creating the same. A similar memorandum shall be made upon the duplicate certificate. The Assistant Registrar shall note upon the original instrument creating or declaring the trust or other equitable interest a reference by number to the certificate of title to which it relates, and to the volume and page in the registration book where it is registered. If the instrument creating or declaring a trust or other equitable interest is already recorded in the registry of deeds or admitted to probate, or any order of a Federal Court creating or declaring a trust in real property has been made a certified copy may be filed by the Assistant Registrar and registered.

SECTION 66. If the instrument creating or declaring a trust or other equitable interest contains an express power to sell, mortgage or deal with the land in any manner, such power shall be stated in the certificate of title by the words "with power to sell" or "with power to mortgage," and by apt words of description in case of other powers.

No instrument transferring, mortgaging or in any way dealing with registered land held in trust shall be registered, unless the power thereto enabling is expressly conferred in the instrument of trust, or unless the decree of a Court of competent jurisdiction on a bill for instructions or other proceeding has construed the instrument in favor of the power, in which case a certified copy of such decree may be filed with an Assistant Registrar and he shall make registration in accordance therewith.

SECTION 67. When a new trustee of registered land is appointed either by any Court or otherwise, a new certificate shall be entered to him upon presentation to the Assistant Registrar of a certified copy of the decree or deed appointing him and the surrender of the duplicate certificate.

SECTION 68. Whoever claims an interest in registered land by reason of any implied or constructive trust shall file for registration a statement thereof with the Assistant Registrar. The statement shall contain a description of the land, and a reference to the number of the certificate of title and the volume and page of the registration book where it is entered. Such claim shall not affect the title of a purchaser for value and in good faith before its registration.

SECTION 69. Any trustee shall have authority to file an application for registration of any land held in trust by him, unless expressly prohibited by the instrument creating the trust.

#### LEGAL INCIDENTS OF REGISTERED LAND.

SECTION 70. Registered land, and ownership therein, shall in all respects be subject to the same burdens and incidents

which attach by law to unregistered land. Nothing contained in this Act shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife, or from liability to attachment on *mesne* process or levy on execution, or from liability to any lien of any description established by law on land and the buildings thereon, or in the interest of the owner in such land or buildings, or to change the laws of descent except as provided in Section 92 of this Act, or the rights of partition between co-parceners and other co-tenants, or the right to take the same by eminent domain, or to relieve such land from liability to be recovered by an assignee in bankruptcy under the provisions of law relating to preferences, or to change or affect in any way any other rights or liabilities created by law and applicable to unregistered land, except as otherwise expressly provided in this Act or any amendment thereof.

#### ATTACHMENT AND OTHER LIENS.

SECTION 71. In every case where a writing of any description or a copy of any writ is required by law to be filed or recorded in the Registry of Deeds in order to create or preserve any lien, right or attachment, upon unregistered land, such writing or copy, when intended to affect registered land, in lieu of recording, shall be filed and registered in the office of the Assistant Registrar for the same registry district in which the land lies, and, in addition to any particulars required in such papers for recording with records of deeds, shall also, except in the case of attachment on *mesne* process, contain a reference to the number of the certificate of title of the land to be affected, and the volume and page of the registration book where the certificate is registered, and also, if the attachment, right or lien is not claimed on all the land in any certificate of title, a description sufficiently accurate for identification of the land intended to be affected.

SECTION 72. In every case where an attachment or other lien or adverse claim of any description is registered, and the duplicate certificate is not presented at the time of registration to the Assistant Registrar, he shall within twenty-four

hours thereafter send notice by mail to the registered owner, stating that such paper has been registered, and requesting him to send or produce his duplicate certificate in order that a memorandum of the attachment, or other lien or adverse claim may be made thereon.

If the owner neglects or refuses to comply within a reasonable time the Assistant Registrar shall suggest the fact to the Court, and the Court after notice shall enter an order to the owner to produce his certificate at a time and place to be named therein, and may enforce the order by suitable process.

SECTION 73. Attachments on *mesne* process and liens of every description upon registered land shall be continued, reduced, discharged and dissolved by any method sufficient in law to continue, reduce, discharge or dissolve like liens on unregistered land. All certificates or other instruments which are permitted or required by law to be recorded in the registry of deeds to give effect to the continuance, reduction, discharge or dissolution of attachments or other liens upon unregistered lands, or to give notice of such continuance, reduction, discharge or dissolution, shall in the case of like liens upon registered land be filed with the Assistant Registrar and registered in the registration book, in lieu of recording.

SECTION 74. All the provisions of law now in force or hereafter to be enacted relating to attachments of real estate and leasehold estates on *mesne* process shall apply to registered land, except that the duties required to be performed by the Registrar of Conveyances shall be performed by the Assistant Registrar for the registry district where the land lies, who, in lieu of recording shall register the facts now required to be recorded, and for that purpose shall keep books similar to those now required to be kept for attachments by Registrar of Conveyances, if any, and the fees for registering attachments shall be the same as are now provided for recording.

SECTION 75. The name and address of the plaintiff's attorney shall in all cases be endorsed upon the writ, where an attachment is made, and he shall be deemed to be the attorney

of the plaintiff until written notice that he has ceased to be such shall be filed for registration by the plaintiff.

**SECTION 76.** Whenever an attachment on *mesne* process is continued, reduced, dissolved or otherwise affected by an order, decision or judgment of the Court in which the action or proceeding in which said attachment was made is pending, or by any order of a Court of Bankruptcy, a certificate of the entry of such order, decision or judgment from the Clerk or Register and under the seal of the Court, shall be entitled to be registered on presentation to the Assistant Registrar. A like certificate of the allowance by the Court of an amendment which a subsequent attaching creditor or purchaser contends had the effect of dissolving an attachment, may be registered as an amendment allowed, but shall not be conclusive of dissolution, unless the Court in which the action or suit is pending adjudicates that the amendment dissolves the attachment, in which case a certificate of the order, as soon as it becomes absolute, shall be registered as a dissolution of the attachment.

**SECTION 77.** When a mechanic's lien or lien for labor and materials is claimed upon registered and unregistered land, and the original statement required by law is deposited with the Registrar of Conveyances and recorded, an attested copy of such statement shall be filed with the Assistant Registrar and registered.

**SECTION 78.** A lien of any description upon registered land shall be enforced in the same manner as like liens upon unregistered land. Whenever registered land is set off or sold on execution; or taken or sold for taxes, or for any assessment; or sold to enforce a lien for labor or materials; or the lien of a mortgagee or co-tenant arising from a payment of taxes; or for an assessment; or for costs and charges for taking down dangerous structures, or for erecting fences; or for any costs and charges incident to any liens; any execution, or copy of the execution, any officer's return, or any deed, demand, certificate or affidavit or other instrument made in the course of proceedings to force such liens and required by law



to be recorded in the registry of conveyances in the case of unregistered land, shall be filed with the Assistant Registrar for the district where the land lies, and registered in the registration book, and a memorandum made upon the proper certificate of title in each case as an adverse claim or encumbrance.

SECTION 79. Upon the expiration of the time allowed by law for the redemption after registered land has been set off or sold on any execution, or taken or sold for the enforcement of any lien of any description, the person claiming under an execution or under any deed or other instrument made in the course of proceedings to levy such execution or enforce any lien, may petition the Court for the entry of a new certificate to him, and the application may be granted; *provided, however*, that every new certificate entered under this Section shall contain a memorandum of the nature of the proceeding on which it is based; and, provided, further, that where a new certificate is entered in pursuance of any tax title such certificate shall contain a memorandum that it is subject to the rights of redemption reserved by law, if any, and provided, further, that at any time prior to the entry of a new certificate the registered owner may pursue all his legal and equitable remedies to impeach or annul proceedings under executions or to enforce liens of any description.

#### PENDING SUITS, JUDGMENTS, DECREES AND PARTITIONS.

SECTION 80. No writ of entry, petition for partition, or other action at law, or any proceeding in equity affecting the title to real estate or the use and occupation thereof or the buildings thereon, and no judgment or decree, nor any writ of error, bill of review or other proceeding to vacate or reverse any judgment or decree, shall have any effect upon registered land as against persons other than the parties thereto, unless a full memorandum thereof, containing also a reference to the number of the certificate of title of the land affected, and the volume and page of the registration book where it is entered, shall be filed and registered. This Section shall not apply to attachments, levies of execution, or to proceedings for the

probate of wills, or for administration in a Probate Court: provided, however, that in case notice of the pendency of the action has been duly registered it shall be sufficient to register the judgment or decree in such action within sixty days after the rendition thereof.

SECTION 81. At any time after final judgment or decree in favor of the defendant, or other disposition, of any case in which a memorandum has been registered as provided in the preceding Section, a certificate of the Clerk stating the manner of the disposal thereof, as provided in Section 15, shall be entitled to registration.

SECTION 82. Whenever in any real action affecting registered land judgment is entered for the plaintiff or defendant, except in actions of ejectment and actions relating to terms of less than one year, such judgment shall be entitled to registration on presentation of a certificate of the entry thereof from the Clerk of the Court where the action is pending, to the Assistant Registrar in the district where the land is situated, who shall enter a memorandum upon the certificate of title of the land to which such judgment relates.

If the judgment does not apply to all the land described in the certificate of title the certificate of the clerk and the memorandum entered by the Assistant Registrar shall contain a description of the land affected by the judgment.

SECTION 83. When in any writ of entry an execution or writ of seizen has been issued and served by the officer he shall cause an attached copy of the execution, with a return of his doings thereon, to be filed and registered within three months after the service and before the return of the execution into the clerk's office, and the demandant, in case the judgment was that he was entitled to an estate in fee simple in the demanded premises, or in any part thereof, and for which execution issued, shall thereupon be entitled to the entry of a new certificate of title.

#### DOWER INTEREST—HOW REGISTERED.

SECTION 84. When in a writ of dower judgment is entered or when in a writ of waste, judgment is entered that the plain-

tiff recover the place wasted, a certificate of the entry of such judgment may be registered as an encumbrance. After the certificate is issued to an owner, no right, claim or possibility of dower shall attach to any registered land unless the wife, or some one on her behalf, shall cause application to be made in writing to the Assistant Registrar where the land is situated to register notice of such claim of a possibility of dower, and the claim shall appear upon the certificate of the owner. Such application shall be made on oath, stating the date and place and other facts of marriage in the knowledge of the applicant, and may be in accordance with forms prescribed by the Court; and when so registered such estate shall be an encumbrance appearing upon the register and shall be dealt with accordingly.

SECTION 85. Any decree of a Court of law or equity affecting title or rights in registered land, may be registered in the same manner as a judgment at law. But every Court passing such a decree shall, upon application of the plaintiff or petitioner order any parties before it to execute for registration any deed or instrument necessary to give effect to its decree, and may require the registered owner to deliver his duplicate certificate to the plaintiff or petitioner to be cancelled or to have a memorandum entered upon it by the Assistant Registrar. In case the person required to execute any deed or other instrument necessary to give effect to the decree is absent from the Territory, or is a minor, insane or in prison, or for any reason not amenable to the process of the Court, the Court may appoint some suitable person a trustee to execute such instrument, and the same when executed shall be registered and shall have full force and effect to bind the land to be affected thereby.

SECTION 86. In all proceedings for partition of registered land, or for the assignment in fee of registered land claimed by husband or wife by statutory right, after the entry of the final judgment or decree of partition and the acceptance of the report of the commissioners, if any, a copy of the judgment or decree and of the return of the commissioners, certified by the clerk or Registrar, as the case may be, shall be filed and

registered; and thereupon, in case the land is set off to the owners in severalty, any owner shall be entitled to have a certificate entered of the share set off to him in severalty, and to receive an owner's duplicate therefor. In case the land is ordered by the Court to be sold, the purchaser or his assigns shall be entitled to have a certificate of title entered to him or them on presenting the deed of the commissioners for registration; *provided, however,* that any new certificate entered in pursuance of partition proceedings, whether by way of set-off or of sale, shall contain a reference to the final judgment or decree of partition, and shall be conclusive as to the title to the same extent and against the same persons as such judgment or decree is made conclusive by the statutes applicable thereto; and provided, also, that any person holding such certificate of title or a transfer thereof shall have the right to petition the Court at any time to cancel the memorandum relating to such judgment or decree, and the Court, after notice and hearing, may grant the application. Such certificate thereafter shall be conclusive in the same manner and to the same extent as other certificates of title.

SECTION 87. When a certified copy of a judgment or decree for partition and of the return of the commissioners, if any, is presented for registration, if a mortgage or lease affecting a specific portion or an undivided share of the premises had previously been registered, the tenant claiming under the mortgagor or lessor shall cause the mortgage or lease and any duplicate certificate of title issued to the mortgagee or lessee to be again presented for registration, and the Assistant Registrar shall indorse on each a memorandum of such partition, with a description of the land set off in severalty on which such mortgage or lease remains in force. Such tenant shall not be entitled to receive his own duplicate certificate of title until such mortgage or lease has been so presented for registration.

### BANKRUPTCY.

SECTION 88. It shall be the duty of the Registrar to note

on the certificate of registration a memorandum giving notice of any proceedings in bankruptcy under Federal Laws by or against an owner of registered lands, and to cause to be filed a copy of the petition in bankruptcy. A trustee in bankruptcy shall be entitled to the entry of a new certificate of registered land of the debtor upon presenting and filing a certified copy of the petition in bankruptcy and order appointing him trustee, with the bankrupt's duplicate certificate of title; but the new certificate shall state that it is entered to him as trustee in bankruptcy.

SECTION 89. Whenever proceedings in bankruptcy against a registered owner, of which notice has been registered, are vacated by decree, or when the Court of Bankruptcy grants a discharge and orders a reconveyance of land to a bankrupt debtor a certified copy of the decree, or of such discharge and order may be filed and registered. If a new certificate has been entered to the trustee in bankruptcy, as registered owner, the debtor shall be entitled to the entry of a new certificate to him, and the certificate of the trustee shall be surrendered.

#### EMINENT DOMAIN.

SECTION 90. Whenever any land of a registered owner, or any right or interest therein, is taken by eminent domain, the Territory or body politic or corporate or other authority exercising such right shall file for registration in the proper registry district a description of the registered land so taken, giving the name of each owner thereof, referring by number and place of registration in the registration book to each certificate of title, and stating what estate or interest in the land is taken, and for what purpose. A memorandum of the right or interest taken shall be made on each certificate of title by the Assistant Registrar, and where the fee simple is taken a new certificate shall be entered to the owner for the land remaining to him after such taking. In any case where the owner has a lien upon the land taken for his damages, it shall be so stated in the memorandum of registration. All fees on account of any memorandum of registration or entry of new certificates shall be paid by the Territory or body politic or corporate or other authority taking the land.

SECTION 91. When for any reason, by operation of law, land which was taken for a public use reverts to the owner from whom it was taken or to his heirs or assigns, the Court, upon the petition of the person entitled to the benefit of reversion, after notice and hearing, may order the entry of a new certificate of title to him.

#### TRANSFER BY DESCENT AND DEVISE.

SECTION 92. Upon the death of a registered owner, his heirs at law or devisees, on the expiration of thirty days after the entry of a decree of a Circuit Judge in Chambers granting letters testamentary or of administration, or in case of an appeal from such decree by bill of exceptions or otherwise, at any time after the entry of a final decree, may file a certified copy of the final decree and of the will, if any, with the Assistant Registrar, and make application for the entry of a new certificate. The Court shall issue notice to the executor or administrator and all other persons in interest, and may also give notice by publication in such newspaper or newspapers as it may deem proper, to all whom it may concern, and after hearing, may direct the entry of a new certificate or certificates to the person or persons entitled as heirs or devisees. Any new certificate so entered before the final settlement of the estate of the deceased owner shall state expressly that it is entered by transfer from the last certificate by descent or devise, and that the estate is in process of settlement. After the final settlement of the estate, or after the expiration of the time allowed by law for bringing an action against an executor or administrator by creditors of the deceased, the heirs at law or devisees may petition the Court for an order to cancel the memorandum upon their certificate, stating that the estate is in course of settlement, and the Court, after notice and hearing, may grant the petition; *provided, however,* that the liability of heirs or devisees of registered land for claims against the estate of the deceased shall not in any way be diminished or changed.

SECTION 93. Nothing contained in this Act shall in any way affect or impair the jurisdiction of a Judge of a Circuit

Court in Chambers to license an executor or administrator or guardian to sell or mortgage registered land for any purpose for which a license may be granted in the case of unregistered land. The purchaser or mortgagee taking a deed executed in pursuance of such license shall be entitled to a new certificate of title, or memorandum of registration, on presenting his deed to the Assistant Registrar.

#### ASSURANCE FUND.

SECTION 94. Upon the original registration of land under this Act, under absolute or qualified ownership, and also upon the entry of a certificate showing title as registered owners in heirs or devisees, there shall be paid to the Registrar one-tenth of one per cent. of the assessed value of the real estate on the basis of the last assessment for taxation as an assurance fund.

SECTION 95. All money received by the Registrar under the preceding Section shall be paid to the Treasurer of the Territory. He shall keep the same invested, with the advice and approval of the Governor, and shall report annually to the general Court the condition and income thereof.

SECTION 96. Any person who, without negligence on his part, sustains loss or damage, or is deprived of land or of any estate or interest therein, after the original registration of land under this Act, by the registration of any other person as owner of such land, or of any estate or interest therein, through fraud, or in consequence of any error, omission, mistake or misdescription in any certificate of title, or in any entry of memorandum in the registration book, may bring and prosecute an action of contract in the Circuit Court for the recovery of compensation for such loss or damage or for such land or estate, or interest therein, from the assurance fund; *provided, however,* that when the person deprived of land or of any estate, or interest therein, in the manner above stated, has right of action or other remedy for the recovery of the land or of the estate, or interest therein, he shall exhaust such right of action or other remedy before resorting to the action

of contract herein provided; and *provided, further*, that nothing in this Act shall be construed to deprive the plaintiff of any action of tort which he may have against any person for such loss or damage, or deprivation of land, or of any estate or interest therein. But if the plaintiff elects to pursue his remedy in tort, and also brings an action of contract under this Act, the action of contract shall be continued to await the result of the action of tort.

SECTION 97. If such action of contract is brought to recover for loss or damage, or for deprivation of land, or of any estate or interest therein, arising wholly through fraud, negligence, omission, mistake or misfeasance of the Registrar, Assistant Registrar, or of any of the Examiners of Title, in the performance of executive or ministerial duties, or of any of the assistants or clerks, or the Registrar, in the performance of their respective duties, then the action shall be brought against the Treasurer of the Territory, as sole defendant. If such action is brought to recover for loss or damage, or deprivation of land, or of any estate or interest therein, arising wholly through any fraud, negligence, omission, mistake or misfeasance of some person or persons other than the Registrar, Assistant Registrar, or the other officers and assistants above named, or arising jointly through the fraud, negligence, omission, mistake or misfeasance of such other person than the Registrar, Assistant Registrar, or other officers and assistants above named, then such action shall be brought against both the Treasurer of the Territory and such other person or persons as joint defendants.

SECTION 98. Where there are defendants other than the Treasurer of the Territory, and where judgment is entered for the plaintiff against the Treasurer and against some or all of the other defendants, execution shall issue against the other defendants and be levied upon them. If the execution is returned unsatisfied in whole or in part, and the officer returning the same certifies that the amount due cannot be collected from the lands or goods of such other defendants, a Judge of the Circuit Court rendering the judgment shall direct the clerk to certify to the Governor the amount due on the execu-



tion, and the Governor shall draw his warrant therefor upon the Treasurer of the Territory, and the Treasurer shall pay the amount out of the assurance fund, without any further act or resolve making an appropriation therefor.

When in such action judgment for any reason cannot be entered against all or any of the other defendants it may be entered against the Treasurer alone, or against the Treasurer and such of the other defendants as are found to be liable, and against whom judgment can lawfully be entered. Whenever judgment is entered against the Treasurer of the Territory alone, whether in a case where he is sole defendant or joint defendant with others, the Judge of the Circuit Court before whom the action is tried shall cause the clerk to transmit to the Governor a certificate of the entry of judgment and of the amount due, and the Treasurer shall pay the same upon the warrant of the Governor, as above provided.

SECTION 99. If the assurance fund at any time is not sufficient to meet the amount called for by such warrant of the Governor, the Treasurer shall make up the deficiency from any funds in the Treasury not otherwise appropriated; and in such case any sums thereafter received by the Treasurer on account of the assurance fund shall be transferred to the general funds of the Treasury, until the amount paid on account of the deficiency shall have been made up.

SECTION 100. In every case where payment has been made by the Treasurer of the Territory under warrant from the Governor, the Territory shall be subrogated to all rights of the plaintiff against any other parties or securities, and the Treasurer shall enforce the same in behalf of the Territory. Any sums so recovered by the Treasurer shall be paid into the Treasury of the Territory to the account of the assurance fund.

SECTION 101. The income of the assurance fund shall be added to the principal and invested, until and while said fund amounts to the sum of Two Hundred Thousand Dollars, and thereafter and while the said sum shall remain, the income

of such fund shall be used to defray, as far as may be, the expenses of the administration of this Act, instead of being added to the fund and accumulated.

**SECTION 102.** The assurance fund shall not be liable to pay for any loss, damage or deprivation occasioned by a breach of trust, whether express, implied or constructive, by any registered owner who is a trustee, or by the improper exercise of any power of sale in a mortgage. Nor shall any plaintiff recover as compensation in an action of contract under this Act more than the fair market value of the real estate at the time when he suffered the loss, damage, or deprivation thereof.

**SECTION 103.** All actions of contract for compensation under this Act by reason of any loss or damage or deprivation of land, or any estate or interest therein, shall be begun within the period of six years from the time when the cause of action accrued, and not afterwards; *provided, however*, that the plaintiff in an action for the recovery of the land or estate or interest therein in accordance with Section 97 of this Act may bring the action of contract for compensation within one year after the termination of such action; and, *provided, further*, that the action of contract herein provided shall survive to the personal representative of the registered owner, unless barred in his life time, but the proceeds thereof shall be treated as real estate.

#### POWERS OF ATTORNEY.

**SECTION 104.** Any person may by attorney procure land to be registered and convey or otherwise deal with registered land, but the letters of attorney shall be acknowledged and filed with the Registrar or the Assistant Registrar of the proper registry district, and registered. Any instrument revoking such letters shall be acknowledged and registered in like manner.

#### LOST DUPLICATE CERTIFICATES.

**SECTION 105.** If a duplicate certificate is lost or destroyed, or cannot be produced by a grantee, heir, devisee, assignee or

other person, applying for the entry of a new certificate to him, or for the registration of any instrument, a suggestion of the fact of such loss or destruction may be filed by the registered owner or other person in interest, and registered. The Court may thereupon, upon the petition of the registered owner or other person in interest, after notice and hearing, direct the issue of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of a lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as the original duplicate for all the purposes of this Act.

#### ADVERSE CLAIMS.

SECTION 106. Whoever claims any right or interest in registered land adversely to the registered owner arising subsequent to the date of original registration may, if no other provision is made in this Act for registering the same, make a statement in writing setting forth fully his alleged right or interest, and how or under whom acquired, and a reference to the volume and page of the certificate of title of the registered owner, and a description of the land in which the right or interest is claimed. The statements shall be signed and sworn to, and shall state the adverse claimant's residence, and designate a place at which all notices may be served upon him. This statement shall be entitled to registration as an adverse claim, and the Court, upon the petition of any party in interest, may require an approved bond to be filed for the payment of double costs if so taxed, and shall grant a speedy hearing upon the question of the validity of such adverse claim, and shall enter such decree thereon as justice and equity may require. If the claim is adjudged to be invalid or the bond is not filed, the registration shall be cancelled. If in any case the Court, after notice and hearing, shall find that the claim thus registered was frivolous or vexatious, it may tax the adverse claimant double costs.

#### SURRENDER OF DUPLICATE CERTIFICATES.

SECTION 107. In every case where the Registrar or any Assistant Registrar is requested to enter a new certificate in

pursuance of an instrument purporting to be executed by the registered owner, or by reason of any instrument or proceedings which divest the title of the registered owner against his consent, if the outstanding owner's duplicate certificate is not presented for cancellation when such request is made, the Registrar or Assistant Registrar shall not enter a new certificate, but the person claiming to be entitled thereto may apply by petition to the Court. The Court, after a hearing may order the registered owner or any person withholding the duplicate certificate to surrender the same, and direct the entry of a new certificate upon such surrender.

If in any case the person withholding the duplicate certificate is not amenable to the process of the Court, or if for any reason the outstanding owner's duplicate certificate cannot be delivered up, the Court may by decree annul the same, and order a new certificate of title to be entered. Such new certificate and all duplicates thereof shall contain a memorandum of the annulment of the outstanding duplicate.

If in any case an outstanding mortgagee's or lessee's duplicate certificate is not produced and surrendered when the mortgage is discharged or extinguished or the lease is terminated, like proceedings may be had to obtain registration as in the case of the non-production of an owner's duplicate.

#### AMENDMENT AND ALTERATION OF CERTIFICATES OF TITLE.

SECTION 108. No erasure, alteration or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon, and the testation of the same by the Registrar or an Assistant Registrar except by order of the Court. Any registered owner or other person in interest may at any time apply by petition to the Court, upon the ground that registered interests of any description, whether vested, contingent, expectant or inchoate have terminated and ceased; or that new interests have arisen or been created which do not appear upon the certificate; or that any error, omission or mistake was made in entering a certificate or any memorandum thereon, or on

any duplicate certificate; or that the name of any person on the certificate has been changed; or that the registered owner has been married, or if registered as married that the marriage has been terminated; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after its dissolution, or upon any other reasonable ground; and the Court shall have jurisdiction to hear and determine the petition after notice to all parties in interest and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper; *provided, however*, that this Section shall not be construed to give the Court authority to open the original decree of registration, and that nothing shall be done or ordered by the Court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs or assigns, without his or their written consent.

Any petition filed under this Section and all petitions and motions filed under the provisions of this Act after original registration shall be filed and entitled in the original case in which the decree of registration was entered.

#### SERVICE OF NOTICE AFTER REGISTRATION.

SECTION 109. All notices required by or given in pursuance of the provisions of this Act by the Registrar or any Assistant Registrar after original registration, shall be sent by mail to the person to be notified at his residence and post-office address as stated in the certificate of title or in any registered instrument under which he claims an interest, in the office of the Registrar or Assistant Registrar relating to the parcel of land in question.

All notices and citations directed by special order of the Court under the provisions of this Act, after original registration may be served in the manner above stated, and the certificate of the Registrar shall be conclusive proof of such service; *provided, however*, that the Court may in any case order different or further service by publication or otherwise.

## FEES FOR REGISTRATION.

SECTION 110. The fees payable under this Act shall be as follows:

For every application to bring land under this Act, including indexing and recording the same, and transmitting to Registrar, when filed with Assistant Registrar, Three Dollars.

For every plan filed, One Dollar.

For indexing any instrument recorded while application for registration is pending, Twenty-five Cents.

For examining title, Ten Dollars, and one-twentieth of one per cent. of the value of the land.

For each notice by mail, Twenty-five cents and the actual cost of printing.

For all services by a Sheriff under this Act, the same fees as are now provided by law for like services.

For each notice by publication, Twenty-five Cents, and the actual cost of publication.

For entry of order dismissing application, or decree of registration, and sending memorandum to Assistant Registrar, One Dollar.

For copy of decree of registration, One Dollar.

For entry of original certificate of title and issuing one duplicate certificate, Three Dollars.

For making and entering a new certificate of title including issue of one duplicate certificate, One Dollar.

For each additional duplicate certificate, after the first, Fifty Cents.

For the registration of every instrument, whether single or in duplicate or triplicate, including entering, indexing and filing same and attesting registration thereof, and also making and attesting copy of memorandum on one instrument or on a

duplicate certificate when required, One Dollar and Fifty Cents.

For making and attesting copy of memorandum on each additional instrument or duplicate certificate if required, Fifty Cents.

For filing and registering an adverse claim, Three Dollars.

For entering statement of change of residence or postoffice address, including indorsing and attesting same on a duplicate certificate, Twenty-five Cents.

For entering any note in the entry book or in the registration book, Twenty-five Cents.

For registration of a suggestion of death or notice of issue of an order in bankruptcy, Twenty-five Cents.

For the registration of a discharge or release of mortgage or other instrument creating an encumbrance, One Dollar.

For the registration of a memorandum or certificate of entry for possession or deposition in proof thereof, One Dollar.

For the registration of any levy, or of any discharge or dissolution of any attachment or levy, or of any certificate of or receipt for payment of taxes, or of any mechanic's lien or lien for labor or materials, or notice of any pending action, or of a judgment or decree, One Dollar.

For endorsing on any mortgage, lease or other instrument a memorandum of partition, One Dollar.

For every petition filed under this Act after original registration, One Dollar.

For a certified copy of any decree or registered instrument, the same fees as are provided by law for recorders.

In all cases not expressly provided for by law the fees of all public offices for any official duty or service under this Act shall be at a rate established by the Court.

## PENALTIES.

SECTION 111. Certificates of title and duplicate certificates issued under this Act are subjects of larceny.

SECTION 112. Whoever knowingly swears falsely to any statement required to be made under oath by this Act shall be guilty of perjury, and liable to the statutory penalties for perjury.

SECTION 113. A certificate of title, duplicate certificate of title, certificate issued in place of a duplicate certificate, the registration book, entry book, and all indexes provided for by this Act, and the docket of the recorder, shall be treated as if specifically described and enumerated in Penal Code, Chapter 16 (Penal Laws, 1897, Chapter 16).

SECTION 114. Whoever forges or procures to be forged, or assists in forging the seal of the Court of Land Registration, or stamps or procures to be stamped, or assists in stamping any document with such forged seal, or with the genuine seal of the Court of Land Registration without being duly authorized thereto, shall be punished by imprisonment, not exceeding ten years.

SECTION 115. Whoever, with intent to defraud, sells and conveys registered land knowing that an undischarged attachment or any other encumbrance exists thereon which is not noted by memorandum on the duplicate certificate of title, without informing the grantee of such attachment or other encumbrance before the consideration is paid shall be punished by imprisonment not exceeding three years.

SECTION 116. Until the organization of the County government and the appointment and qualification of the County officers, all transactions with regard to registered land shall be performed by the officers of the Honolulu office, and dealings with registered lands shall be conducted in Honolulu.

SECTION 117. This Act shall take effect from and after July 1st, 1903.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.



**ACT 57.**

AN ACT TO AMEND ACT 18 OF THE LAWS OF THE PROVISIONAL GOVERNMENT, AND BEING SECTION 868 OF THE PENAL LAWS RELATING TO THE BOARD OF HEALTH.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 18 of the Laws of the Provisional Government, and being Section 868 of the Penal Laws, relating to the Board of Health, be and the same is hereby amended so as to read as follows:

“Section 868. There shall be a Board of Health for the Territory of Hawaii consisting of seven members, four of whom shall be laymen, two physicians, and the Attorney-General *ex officio*. The members of the said Board shall be appointed by the Governor, who shall also appoint the President, with the advice and consent of the Senate of the Territory of Hawaii, and shall be commissioned for two years. All of the members of the said Board shall serve without pay, except the President, whose salary shall be provided by the Legislature. The President of the Board shall preside at the meetings of the Board, and in case of his absence, any member of the Board may be chosen to preside over the meetings of the Board. The Board shall appoint its Secretary, agents and physicians, who shall receive such compensation for their services as shall be provided by the Legislature.”

“The Board shall have general charge, oversight and care of public health, and shall make, through its President, an annual report to the Governor, showing in detail all its expenditures and transactions, and such other information regarding the public health as the Board may deem of special interest.”

SECTION 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 3. This Act shall take effect from and after its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 58.**

AN ACT TO CONVERT LAND AT PONAHAHAWAI, HILO, ISLAND OF HAWAII, INTO FREE PUBLIC RECREATION GROUND, AND TO MAINTAIN THE SAME AS SUCH UNDER THE SUPERVISION OF THE SUPERINTENDENT OF PUBLIC WORKS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following property situated at Ponehawai, Hilo, Island of Hawaii, is hereby declared and made free Public Recreation Ground, to-wit:

All that land at Ponehawai, Hilo, Island of Hawaii, bounded and described as follows:

Beginning at the West corner of this lot, on the new proposed eighty-foot Front Street line, adjoining Punahoa 1st boundary line; the co-ordinates of which point are 2681.76 feet North and 3966.30 feet East of Halai Trig. Sta., and running by true bearings:

1. N. 44° 55' E. 420.0 feet along Punahoa 1st to the sea;
2. Thence along the sea to Kukuau 2nd boundary line; thence
3. S. 24° 32' W. 400.0 feet along Kukuau 2nd to new line of Front Street;
4. N. 71° 49' W. 495.2 feet along new line of Front Street;
5. N. 60° 49' W. 263.7 feet along new line of Front Street;
6. N. 54° 00' W. 98.4 feet along new line of Front Street to the point of beginning, containing 7.5 acres.

SECTION 2. The Superintendent of Public Works and his successors in office are hereby authorized and directed to convert all the above property named and described in Section 1 of this Act, in said Hilo, into free and public recreation

ground, and to maintain the same as such for the use and benefit of the public.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 59.**

**AN ACT TO REORGANIZE AND REGULATE THE MILITIA OF THE  
TERRITORY OF HAWAII.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the Militia shall consist of every able-bodied male citizen of the Territory of Hawaii, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes, the organized Militia to be known as the National Guard of Hawaii, and the remainder to be known as the Reserve Militia.

SECTION 2. The following persons are exempt from military duty and enrollment:

All persons exempted from military duty by the laws of the United States.

All judges of the several courts of the Territory of Hawaii, and the officers and members of the Territorial Legislature.

SECTION 3. The organization, equipment and discipline of the National Guard of Hawaii shall be the same as that prescribed from time to time for the Volunteer and Regular Armies of the United States.

SECTION 4. The Governor shall be the Commander-in-Chief of the Militia, and is authorized and has power to establish such rules, regulations, forms and precedents therefor as are not inconsistent with law, and to carry into full effect the provisions of the laws relative thereto. Such rules, regulations, forms and precedents shall have the force of law.

SECTION 5 The Commander-in-Chief shall have a personal staff of such officers as he may deem necessary who shall hold office at his pleasure and act as his aides-de-camp and military secretaries.

SECTION 6. Line and field officers shall be elected and commissioned in the manner now provided by law, and shall hold office for three and four years respectively, or until their successors are duly qualified. General staff officers shall be elected by the field officers, and hold a like tenure of office, with rank not above that of colonel, unless obtained through authority of U. S. War Department.

SECTION 7. Enlistments in the National Guard of Hawaii shall be made in the same manner and form, and for the same length of time as may be provided from time to time by the laws and rules governing the Army of the United States.

SECTION 8. Such laws, rules and regulations governing the Volunteer and Regular Armies of the United States as may be designated or prescribed by the Commander-in-Chief, with such limitations as he may place thereon, together with the Act of Congress entitled "An Act to promote the efficiency of the Militia, and for other purposes," approved January 21st, 1903, the laws of the Territory of Hawaii in so far as they are applicable and not inconsistent with this Act, and such other rules and regulations as may be promulgated by order of the Commander-in-Chief, shall constitute the laws, rules and regulations for the use and government of the National Guard of Hawaii, and shall have the force of law.

SECTION 9. Every company, troop and battery of the National Guard of Hawaii not excused by the Commander-in-Chief shall participate in practice marches or go into camp of instruction at least five consecutive days, and assemble for drill and instruction at any company, battalion or regimental armories or rendezvous, or for target practice, not less than twenty-four times each year.

SECTION 10. There shall be an annual muster and inspection in the month of June of the troops and of the arms and equipments and other property, and at such other times as the Commander-in-Chief may order.

SECTION 11. In case of war, insurrection, invasion, riot or imminent danger thereof, or any forcible obstruction to the execution of the laws, or reasonable apprehension thereof, the President of the United States or the Governor of the Territory of Hawaii, may call the Militia, or any part thereof, into active service.

SECTION 12. No person belonging to the Militia of this Territory shall be arrested under any civil process while going to, remaining at or returning from any place on or to perform military duty in pursuance of an order of the President of the United States or the Governor of the Territory of Hawaii.

SECTION 13. Any portion of the National Guard parading or performing any duty according to law, shall have the right-of-way in any street or highway through which they may pass: Provided, the carriage of the United States mail or the legitimate functions of the police and the progress and operations of fire engines and fire departments shall not be interfered with thereby; and while on field duty shall have the right to enter upon, cross or occupy any uninclosed lands, or any inclosed lands where no damage will be caused thereby.

SECTION 14. Every commanding officer when on duty may ascertain and fix the necessary bounds and limits to his parade or encampment. Whoever intrudes within the limits

of the parade or encampment, after being forbidden, or whoever shall interrupt, molest or obstruct any officer or soldier while on duty, may be put and kept under guard until the parade, encampment or duty be concluded; and the commanding officer may turn over such person to any police officer, and said police officer is required to detain him in custody for examination or trial before the police court or any other court of competent jurisdiction, and the judge thereof may punish such offence by a fine not exceeding twenty-five dollars.

SECTION 15. All commissioned officers of the National Guard of Hawaii shall have the power to administer oaths and affirmations in all matters pertaining to or concerning military service or property, but in no case shall they charge any fee therefor. Any person who shall falsely swear or affirm to any oath or affirmation so administered may be tried before any Circuit or District court, and upon conviction, shall be deemed guilty of perjury and sentenced for such offence as prescribed by law.

SECTION 16. All uniforms, arms, equipments or other property issued to the Militia shall be and remain the property of the Territory of Hawaii.

SECTION 17. Every officer commanding a company shall be charged with and responsible for the arms, accoutrements, ammunition, clothing or other military property or stores issued to or belonging to his command, and shall be accountable to the Territory for the same in case of their being lost or damaged otherwise than by unavoidable accident, or in actual service. All officers and members of the Militia having arms or other property in their possession, the property of the Territory of Hawaii, shall be accountable to the Territory in a like manner.

SECTION 18. If any person shall knowingly or willingly purchase or receive in pawn or pledge any arm, accoutrement, article of military clothing, equipment, tent or fly, or any quartermaster or ordnance stores, the property of the Terri-

tory of Hawaii, he shall be guilty of a misdemeanor, and upon being convicted thereof, in any court of competent jurisdiction, shall be sentenced to an imprisonment not exceeding one year, or a fine not exceeding three hundred dollars (\$300.00), or both such fine and imprisonment.

SECTION 19. Such officers as may be designated by the Commander-in-Chief shall execute proper bonds to the Territory in such sums as he shall prescribe.

SECTION 20. Act 8 of the Laws of the Republic of Hawaii of the Session of 1896, approved April 4th, 1896, and all other laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

SECTION 21. This Act shall take effect from the date of its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE.

Governor of the Territory of Hawaii.

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**ACT 60.**

AN ACT TO PROVIDE AGAINST EMBEZZLEMENT BY PUBLIC OFFICERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That any officer or other person who, by any law, regulation or appointment, now or shall hereafter be charged with the safe keeping, transfer or disbursement of any money, note or other effects or property belonging to the Territory of Hawaii, shall convert the same to his own use or benefit, or to the use and benefit of another, than the owner or person entitled thereto; or shall loan, with or without interest, or shall deposit in his own name, or otherwise than in the name of the Territory of Hawaii, or shall deposit in banks

or with any person or persons, or change for other funds or property, any money or moneys intrusted to his safe keeping, transfer or disbursement, except in the manner prescribed by law, regulation or appointment, shall be deemed guilty of embezzlement, and any such officer or person, upon conviction thereof, shall be punished at hard labor for a period not to exceed ten (10) years, or by fine not exceeding five (5) times the value of the thing or property embezzled; and any failure to pay over or produce, or legally account for the whole or any part of such money or moneys so entrusted to such officer or person as required by law, regulation or appointment on demand, shall be taken and held to be *prima facie* evidence of such embezzlement.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 61.**

AN ACT TO REPEAL THE STAMP DUTY ON CERTIFICATES OF  
STOCK OF CORPORATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 23 of an Act entitled "An Act Relating to Stamp Duties," approved the 27th day of September, 1876, being Chapter 55 of the Session Laws of 1876, as amended by Chapter 103 of the Session Laws of 1892, and Act 37 of the Laws of the Provisional Government of the Hawaiian Islands, is hereby repealed.



SECTION 2. Every provision of Section 3 of Chapter 103 of the Session Laws of 1892 which provides for levying, imposing or paying a stamp duty upon certificates of stock of corporations, is hereby repealed.

SECTION 3. This Act shall take effect from the date of its publication.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 62.**

AN ACT TO PREVENT THE FURNISHING OF INTOXICATING LIQUORS TO INEBRIATES OR MINORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any person who shall receive written notice from any District Magistrate, Circuit Judge, Sheriff or Deputy Sheriff holding office within the Territory of Hawaii, or the husband, wife, son, daughter, brother, sister, parent or guardian of any person who is an habitual drunkard, and who by excessive use of spirituous or intoxicating liquors injures his or her health, or endangers or interrupts the peace or happiness of his or her family, or becomes a public nuisance, not to sell or furnish any liquor to such inebriate or habitual drunkard, and does sell, give, or in any manner furnish such inebriate or habitual drunkard with intoxicating or spirituous liquor, shall, upon conviction thereof, be punished by a fine of not less than fifty dollars or more than one hundred dollars, for the first offense, and upon a second conviction, by a fine of not less than one hundred dollars or more than two hundred dollars, in the discretion of the Court.

SECTION 2. Any person who shall knowingly sell any intoxicating liquor to a minor shall, upon conviction thereof, be punished by a fine of not less than fifty dollars or more than two hundred dollars.

SECTION 3. All laws and parts of laws contrary to the provisions of this Act are hereby repealed.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 63.**

AN ACT TO REGULATE AND DEFINE THE PAY OF WITNESSES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. From and after the passage of this Act the pay of witnesses shall be as follows:

Every witness subpoenaed and attending upon the trial of any Civil cause, in any Court of this Territory, shall be paid the sum of one dollar for each day's attendance in court, and traveling expenses at the rate of ten cents (10c) a mile each way.

SECTION 2. All laws and parts of laws contrary to the provisions of this Act are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after the date of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 64.****AN ACT TO PROVIDE FOR A DIGEST OF THE HAWAIIAN SUPREME COURT REPORTS.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

**SECTION 1.** The sum of Four Thousand Dollars (\$4,000.00), or so much thereof as may be necessary is hereby appropriated from the Territorial Treasury for the compilation and publication of a Digest of the Hawaiian Supreme Court Reports. Such Digest shall cover at least fourteen volumes of such Reports, and its compilation and publication shall be subject to the approval and supervision of the Justices of the Supreme Court, who are hereby authorized to make all necessary contracts and exercise all other powers necessary or proper for carrying out the purposes of this Act. There shall be published at least Five Hundred copies of such Digest, and the same may be disposed of in the same manner as such Reports. The selling price thereof shall be Five Dollars a copy.

**SECTION 2.** This Act shall take effect on the day of its approval.

Approved this 28th day of April, A. D. 1903.

**SANFORD B. DOLE.**

Governor of the Territory of Hawaii.

**ACT 65.**

**AN ACT TO AMEND CERTAIN LAWS BY STRIKING OUT THE WORDS "FIRE MARSHAL" AND INSERTING IN LIEU THEREOF THE WORDS "CHIEF ENGINEER OF THE FIRE DEPARTMENT."**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

**SECTION 1.** Section 6 of Chapter LXXXVI of the Laws of 1892 (Penal Laws, Section 1057), Section 2 of Chapter XVI of

the Laws of 1886 as amended by Chapter LXXII of the Laws of 1890 (Penal Laws, Section 1079), Section 8 of Chapter II of the Laws of 1886 (Penal Laws, Section 1097), Sections 7 and 8 of Chapter LXVIII of the Laws of 1890 (Penal Laws, Section 1523, 1524) and all other Laws of the Territory in which the words "Fire Marshal" occur, are hereby amended by striking out said words and inserting in lieu thereof the words "Chief Engineer of the Fire Department."

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE.

Governor of the Territory of Hawaii.

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**ACT 66.**

AN ACT RELATING TO FRAUDS IN THE SALE OF BUTTER OR SUBSTANCES HAVING THE SEMBLANCE OF BUTTER, AMENDING SECTION 2 OF CHAPTER LXXXIV OF THE LAWS OF 1892.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2 of Chapter LXXXIV of the Laws of 1892 (Penal Laws, Sec. 188) is hereby amended so as to read as follows:

"Section 2. Whoever knowingly sells or offers for sale any substance purporting to be, or having the semblance of butter, which substance is not wholly made from pure cream or pure milk, unless the same is sold or offered for sale under its true and appropriate name, and unless, in case of a sale, each package, roll or parcel thereof, and each vessel containing one or more packages of the same, has distinctly and durably painted, stamped or marked thereon the true and appropriate name of such substance, in ordinary bold face capital letters, or unless, in case of a sale, there is delivered with each pack-

age, roll or parcel so sold, a label on which is plainly and legibly printed the true and appropriate name of such substance, shall be guilty of a misdemeanor and punished by imprisonment of not more than thirty days or a fine not to exceed two hundred and fifty dollars or both; but nothing contained in this Section shall be construed to prevent the use of harmless coloring matter in the manufacture of butter."

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 67.**

AN ACT TO ENCOURAGE THE KONA-KAU RAILWAY COMPANY,  
LIMITED.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. From and after the passage of this Act, and for the term of Five years from the first day of July, A. D. 1903, all the property both real and personal property of the Kona-Kau Railway Company, Limited, actually used in its operation or working situated or lying in the Districts of North Kona, South Kona and Kau in the Island of Hawaii, shall be and hereby are exempted from all taxes in this Territory whether Territorial or County Taxes.

SECTION 2. This Act shall be in force from and after its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 68.**

AN ACT TO REPEAL ACT 24 OF THE LAWS OF 1895 ENTITLED  
"AN ACT TO PREVENT THE BRINGING OF ACTIONS AGAINST  
OFFICERS OF THE GOVERNMENT OR OTHERS FOR ACTS DONE  
IN SUPPRESSING REBELLION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 24 of the Laws of 1895 (Civil Laws, Secs. 1539 and 1540) entitled "An Act to Prevent the Bringing of Actions Against Officers of the Government or Others for Acts Done in Suppressing Rebellion" is hereby repealed.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 69.**

AN ACT TO REGULATE AND LICENSE INSURANCE BUSINESS IN THIS  
TERRITORY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be a department charged with the execution of the laws relating to insurance, to be known as the Insurance Department, the chief officer of which shall be the Territorial Treasurer, who shall be *ex-officio* Insurance Commissioner. Neither the Insurance Commissioner nor any of his deputies or clerks shall be directly or indirectly interested in any insurance corporation or insurance business except as a policy holder. All necessary forms, circulars and blanks, together with such pamphlet copies of the insurance laws as may be required for distribution to any person at any time by the provisions of this Chapter shall be furnished at the expense of the Territory.

SECTION 2. The Commissioner shall see that all laws of this Territory respecting insurance companies and corporations are faithfully executed. He shall have power to examine all books and accounts of any companies or corporations doing business in this Territory, that are organized under the laws of this Territory, to examine their officers and employees under oath; to issue subpoenas for witnesses to attend and testify before him in regard to the business of said companies and corporations, and produce for examination and investigation books, papers and documents in relation thereto. Said subpoenas must be served in the same manner as if issued from a Court, and any person who shall fail, neglect or refuse to obey any such subpoena shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars.

SECTION 3. The Commissioner must cause every company or corporation before engaging in the business of insurance in this Territory to file in his office as follows:

First—If incorporated under the laws of this Territory, a copy of its articles of incorporation with any amendments made thereto;

Second—If incorporated under the laws of any other State or country, a copy of its articles of incorporation or charter, certified by the officer having the custody of such articles that it is organized under the laws of such State or country, that it is authorized to do business therein, and stating the amount of the capital stock, or net surplus.

SECTION 4. The Commissioner shall issue to any insurance company or corporation a certificate of authority to transact business in this Territory under the following conditions:

First—If a company or corporation organized under the laws of this Territory, when he is satisfied that the provisions of this Act in relation to such company or corporation have been complied with;

Second—If a company or corporation organized outside of the Territory of Hawaii, when he is satisfied that the company

or corporation has a paid up and unimpaired capital or net surplus of not less than One Hundred Thousand Dollars.

SECTION 5. It shall be unlawful for any company or corporation to transact the business of insurance in this Territory unless it shall have complied with all of the provisions of this Act and obtained the certificate of authority from the Commissioner as herein provided.

SECTION 6. If any insurance company or corporation, its agents or attorneys shall solicit insurance or shall issue a policy without having complied with the provisions of this Act, the company or corporation, or its agents or attorney so issuing the policy or accepting the application for the same shall be guilty of a misdemeanor and be subject to a fine of not less than One Hundred Dollars, nor more than Five Hundred Dollars. If any insurance company or corporation licensed to do business in this Territory, shall violate any of the provisions of this Act, the Commissioner shall have power, upon notice and satisfactory proof thereof, to revoke the license of such company or corporation to do business in this Territory, and such insurance company or corporation shall not again be re-admitted to do business in this Territory until it shall have paid into the Treasury of the Territory the sum of Five Hundred Dollars as a penalty for such violation.

SECTION 7. Any company or corporation organized under the laws of this Territory prior to the taking effect of this Act or under its provision, for the purpose of engaging in insurance, must have a subscribed capital of not less than one Hundred Thousand Dollars, of which Fifty Thousand Dollars must be paid in in cash before the issuance by such organization of any policy of insurance under the provisions of this Act.

SECTION 8. It shall be unlawful for the directors, trustees or managers of any insurance company or corporation organized under the laws of this Territory to make any dividends except from the surplus profits arising from their business, and in estimating such profits there shall be reserved therefrom a sum equal to fifty per cent. of the amount received on



premiums on all unexpired risks and policies, which amount so reserved is hereby declared to be unearned premiums; and there shall also be reserved all sums due the company or corporation on bonds, mortgages, stocks and book accounts, of which no part of the money or interest has been paid during the year preceding such estimate of profits, and upon which suit for foreclosure or collection has not been commenced, or judgment obtained thereon, which shall have remained more than two years unsatisfied, and upon which interest shall not have been paid.

SECTION 9. When the capital stock of any insurance company or corporation organized under the laws of this Territory shall be impaired, it may reduce it as provided herein and the par value of its shares to such an amount as shall be justified by its assets; but no part of its assets shall be distributed to its stockholders and no reduction shall be made except upon the vote of the stockholders, approved by at least two-thirds of the Board of Directors, and certified under the corporate seal by the secretary, a copy of which shall be filed with the Insurance Commissioner. The directors, after such reduction of capital, may require each stockholder to surrender his certificate and in lieu thereof may issue a new certificate for such number of shares as he shall be entitled to.

Such company, after its capital shall be so reduced, may increase its capital stock to any amount not exceeding the amount authorized by its charter. During the time that the paid up capital of such company or corporation remains impaired twenty-five per cent. or more, or is less than One Hundred Thousand Dollars, such company shall cease issuing policies or effecting insurances.

SECTION 10. Any existing insurance company or corporation, or any insurance company or corporation formed after the passage of this Act, may increase the amount of its capital stock, after giving notice once a week for four consecutive weeks in any newspaper having a general circulation, published in the Territory of Hawaii, of such intention, and by filing with the Insurance Commissioner a copy of such advertisement subscribed and sworn to by the publisher or manager of

said paper as having been so advertised, together with a declaration under its corporate seal, signed by its President and two-thirds of its Board of Directors, and by the stockholders representing three-fourths of its capital stock, of their desire so to increase the capital:

*Provided* that said increase in capital stock shall be fully paid in legal tender money of the United States.

SECTION 11. No person shall act as agent for any insurance company or corporation in the transaction of any of its business in this Territory, or negotiate for or place risks for any such organization or in any way or manner aid such organization in effecting insurance in this Territory, unless such organization shall have fully complied with the provisions of this Act. Every such person before commencing business, and on or before the fifteenth day of each April thereafter, shall produce a license of authority from the Insurance Commissioner, which license will grant the privilege of soliciting and writing for any and all kinds of insurance in this Territory. Any person violating the provisions of this Section shall forfeit to the people of the Territory the sum of Five Hundred Dollars for the first offense, and an additional sum of One Hundred Dollars for each month during which any such person shall continue to act for any unauthorized insurance company or corporation, or to aid in effecting unauthorized business or insurance in this Territory.

SECTION 12. Every organization foreign to this Territory, its agents and officers, shall always be required to make the same statements and answer the same enquiries to the Insurance Commissioner and in case of default be subject to the same penalties and liabilities as domestic organizations doing the same kind of business, or any of the agents or officers thereof are, or may be liable to, under the laws of this Territory or the regulations of the Insurance Department.

SECTION 13. It shall be the duty of the Insurance Commissioner to make a detailed examination of all companies or corporations organized under the laws of this Territory for the business of insurance at least once a year; upon such ex-

amination he shall ascertain if the laws relating to payment of capital, investment of moneys and methods of doing business are complied with. If, upon such examination, he shall find that the capital stock of such company or corporation is impaired, he shall order such impairment made good or the capital reduced the amount of such impairment: *Provided*, that no reduction shall be made which will reduce the capital of any organization to a less amount than is required by this Act, and if the organization so required to make good or reduce its capital stock refuses or neglects within sixty days to do so, the Commissioner shall revoke its license to do business in this Territory, and shall apply to any Judge of a Court having jurisdiction for an order upon said company or corporation to show cause why its charter should not be revoked and a receiver appointed to wind up its affairs.

SECTION 14. The Insurance Commissioner shall appoint a deputy, and in the absence of the Commissioner or his inability from any cause to exercise the powers and discharge the duties of his office, the power and duties of the office shall devolve on the deputy.

SECTION 15. If the Insurance Commissioner has reason to believe that any insurance company or corporation organized outside of this Territory has less than the paid-up unimpaired cash capital or net surplus required by this Act, it shall be the duty of the Commissioner to make such investigation or require such proof as shall be satisfactory to him concerning the financial condition of such organization: *Provided, however*, the certificate of the Insurance Officer of any State having an Insurance Department that such organization has the required paid-up and unimpaired cash capital or net surplus shall be accepted by the Commissioner as satisfactory. If such organization does not, within sixty days after demand of the Commissioner, produce such certificate, the Commissioner shall revoke its certificate or authority to do business in this Territory, and not re-issue the same until said certificate is produced. If any agent of the insurance company or corporation upon which such demand is made, shall solicit and agree to issue and deliver, or shall issue or deliver, any policy

of the delinquent organization covering any property in this Territory, while such certificate of authority is withdrawn or withheld, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to a fine of Ten Dollars for the first, and Fifty Dollars for each subsequent offence.

**SECTION 16.** Every insurance company doing business in this Territory shall:

**First**—On or before the 15th day of April of each year file a statement with the Commissioner, verified by the oath of its principal executive officer residing within the Territory, or by the principal executive officer of the company, which statement shall show the total business done in this Territory during the year ending the 31st day of December next preceding, and shall contain a complete list of agents in this Territory;

**Second**—Make and file with the Commissioner before the fifteenth day of April of each year a statement, verified by the oath of the president or principal officer of such company, showing the condition of such company on the 31st day of December next preceding, and such statement shall show:

1. The amount of the capital stock of the company.
2. The property or assets held by the same.
3. The liabilities of the company, which must in the case of Fire Insurance Companies include the re-insurance reserve estimated at fifty per cent. of the outstanding premiums, and which in the case of Life Insurance Companies must be computed on the basis of either the American experience or the combined experience table of mortality, with interest at the rate of not less than four per cent. per annum.
4. The income of the company during the preceding year.
5. The total amount of risk outstanding on the 31st day of December next preceding.

**SECTION 17.** Every certificate of authority granted pursuant to the provisions of this Act to an Insurance Company

or corporation to do business in this Territory, shall expire on the fifteenth day of April after the date of issuance.

The statements and evidence of investment required by this Act to be filed in the office of the Commissioner before a certificate of authority is granted to a company, shall be renewed from year to year, as prescribed in Section 11 of this Act. If the Commissioner is not satisfied that the capital, securities and investment remain secure, and that it may be safely entrusted with a continuance of its authority to do business in this Territory, he shall revoke its certificate of authority.

**SECTION 18.** No insurance company or corporation organized outside of this Territory shall be permitted to do business in this Territory until such company shall have filed with the Commissioner a power of attorney, which shall authorize a resident of this Territory to make and accept service in any proceeding in any Court in this Territory or of the United States herein. If any attorney of any insurance organization, appointed under the provisions of this Act, shall remove from the Territory, or become disqualified in any manner from accepting service, and if any resident of this Territory shall have any claim by virtue of any insurance policy issued by any company or organization not represented by attorney in this Territory, valid service may be made on such company or organization by service upon the Insurance Commissioner; *Provided*, that in such case the Commissioner shall immediately notify such company by enclosing a copy of the same by mail, postpaid; and *provided further*, that in such case no proceeding shall be had within sixty days after such service on the Commissioner.

**SECTION 19.** The Commissioner shall require payment in advance of the following fees:

For filing articles of incorporation, or certified copies of articles, by-laws, or other certificates required to be filed in his office.....	\$ 25.00
For issuing certificates of authority.....	10.00

For each renewal certificate of authority.....	\$ 10.00
For filing the annual statement of condition.....	10.00
For filing each annual statement of business transacted in the Territory.....	10.00
For filing any other paper.....	1.00
For furnishing copies of papers filed in his office, per folio.....	.25
For certifying copies, each.....	1.00
For agent's license for each company represented....	2.00

All moneys collected under this Act shall be paid into the Treasury of the Territory as a Government realization.

**SECTION 20.** In the event of the total destruction of any insured building, on which the amount of the appraised or agreed loss shall be less than the total amount issued thereon, the fire insurance company or companies shall return to the insured the unearned premium on the policies involved in the loss for the excess of insurance over the appraised or agreed loss, to be paid at the same time and in the same manner as the loss shall be paid.

**SECTION 21.** When the license or authority of any insurance company or corporation doing business in this Territory, has been revoked by the Commissioner, the revocation shall be published four times in some newspaper of general circulation published in this Territory.

**SECTION 22.** The Commissioner shall transmit to each Legislature at the beginning of its regular session, or within ten days thereafter, a report containing a summary of the statements and reports made to him pursuant to the provisions of this Act, classified, which report shall also contain:

First—A statement of all the insurance companies or corporations authorized to do business in this Territory during the biennial period ending the thirty-first day of December next preceding, with their names, locations, capital stock, paid-up capital, dates of organization and of the commencement of business in this Territory, and kinds of insurance in which they are engaged respectively.

Second—The receipts and disbursements of the insurance department during the same period.

Third—Any amendments to the insurance law which, in his judgment, are demanded for the better protection of the insured and to the people.

SECTION 23. All insurance companies or corporations now doing business in this Territory or that may hereafter do business herein, must file with the Commissioner annually, on or before the 15th day of April, in each year hereafter, a statement under oath, stating the amount of net premiums received by said companies or corporations, during the year ending December 31st next preceding in this Territory, and shall pay to the Treasurer of the Territory, through the Insurance Commissioner, a tax of two per cent. on the net profits or income, above the actual operating and business expenses and amounts paid to policy-holders; which tax when so paid shall be in settlement of all demands of any tax or license or fees of every character for conducting said business of insurance in said Territory, excepting the fees as set forth in Section 19. Said tax shall be due and payable on or before the 15th day of November succeeding the filing of the statement provided for herein. Any organization failing or refusing to render such statement and to pay the required tax as above stated for more than sixty days after the time so specified shall be liable to a fine of twenty-five dollars for each additional day of delinquency, and the taxes may be collected by distraint and the fine recovered by an action to be instituted by the Commissioner in the name of the Territory in any Court of competent jurisdiction, and the Commissioner shall revoke and annul the certificate of authority of such delinquent organization until such taxes and fine, should any be imposed, are fully paid.

SECTION 24. No insurance company or corporation licensed to do business in this Territory shall accept any application for insurance, nor shall it write, issue, or deliver any policy

of insurance covering a risk located within this Territory except through a duly appointed agent of such insurance company or corporation, who is a bona fide resident, firm or corporation of this Territory, resident herein, and licensed as agent of such insurance company or corporation by the Commissioner to write and solicit insurance for such insurance company, corporation or association. The license of any such insurance company or corporation which shall violate this Section shall be revoked by the Commissioner, and such organization shall not be again licensed to do business in this Territory until it shall have paid into the Treasury of the Territory the sum of Five Hundred Dollars as a license fee. This Section does not apply to the acceptance of or effecting of reinsurance.

SECTION 25. All laws inconsistent herewith are hereby repealed.

SECTION 26. This Act shall go into effect on the first day of October, A. D. 1903.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 70.**

AN ACT TO REGULATE THE PRACTICE OF PHARMACY AND THE SELLING, COMPOUNDING AND DISPENSING OF DRUGS, CHEMICALS AND POISONS IN THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be unlawful for any person not licensed as a pharmacist within the meaning of this Act to conduct or manage any pharmacy, drug or chemical store, apothecary



shop, or other place of business for the retailing, compounding or dispensing of any drugs, chemicals or poisons, or for any person not licensed as a pharmacist or assistant pharmacist within the meaning of this Act to compound, dispense or sell at retail any drug, chemical or poison upon the prescription of a physician, or otherwise, or to compound physicians' prescriptions, except as an aid to or under the immediate supervision of a person licensed as a pharmacist under this Act. And it shall be unlawful for any owner or manager of pharmacy, or drug store, or other place of business, to cause or permit any other than a person licensed as a pharmacist or assistant pharmacist to compound, dispense or sell, at retail, any drug, medicine or poison, except as an aid to or under the immediate supervision of a person licensed as a pharmacist or assistant pharmacist, or a duly licensed physician.

*Provided*, that nothing in this Section shall be construed to interfere with any legally licensed practitioner of medicine or dentistry in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicine as he may deem proper, nor with the selling of non-poisonous domestic remedies, nor with the selling of patent or proprietary preparations which do not contain poisonous ingredients.

SECTION 2. There shall be appointed by the Governor a Board of Pharmacy which shall consist of three members, namely, one physician and two pharmacists, who shall hold office for two years; except in case of appointments made to fill out unexpired terms. The members of such Board shall be subject, however, to removal by the Governor, for cause, and they shall serve without pay.

SECTION 3. The Board shall, at the written request of the Treasurer of the Territory, examine in open meeting every applicant for a license as pharmacist or assistant pharmacist who shall have made application for such license and paid the fee as herein required.

SECTION 4. The Board shall hold at least two meetings in each year and such additional meetings as may be necessary for the examination of applicants for licenses under this Act. All such meetings shall be held in Honolulu.

SECTION 5. As soon as practicable after the examination of any such applicant the Board shall report in writing to the Treasurer giving the result of the examination, and stating whether the applicant has complied with the requirements set forth in Sections 6 and 8 of this Act, together with their recommendation.

It shall be the duty of the Board to recommend the issuance of the license applied for in all cases where the applicant has met the requirements of said Sections.

SECTION 6. In order to be licensed as a pharmacist under this Act an applicant shall be not less than 21 years of age, and shall have been licensed as an assistant pharmacist for not less than two years prior to his application for license as a pharmacist, and he shall present to the Board satisfactory evidence that he is a graduate of a reputable school or college of pharmacy, and that he has had four years' experience in pharmacy under the instruction of a licensed pharmacist, and he shall also pass a satisfactory examination before the Board.

In order to be licensed as an assistant pharmacist within the meaning of this Act an applicant shall not be less than 18 years of age, and shall have not less than two years' experience in pharmacy under the instruction of a licensed pharmacist, and shall pass a satisfactory examination before the Board.

*Provided, however,* that in the case of an applicant who has attended a reputable school or college of pharmacy the actual time of attendance at such school or college of pharmacy may be deducted from the time of experience required of

pharmacists and assistant pharmacists, but in no case shall less than two years' experience be required for registration as a licensed pharmacist.

*Provided, further,* that any person who has had not less than two years' actual experience in compounding drugs, chemicals or poisons, or in conducting or managing a pharmacy, drug or chemical store, apothecary shop or other place of business for retailing, compounding or dispensing of drugs, chemicals or poisons in this Territory immediately prior to the approval of this Act shall be entitled to apply for and receive a license as a pharmacist upon payment of the fee herein provided, without examination or recommendation by the Board.

SECTION 7. The Board may recommend the issuance of licenses to practice as pharmacists or assistant pharmacists, without examination, to such persons as have been legally registered or licensed as pharmacists or assistant pharmacists in any State or Territory provided that the applicant shall present satisfactory evidence of the same qualifications as are required from licentiates under this Act, and that he was registered or licensed by examination in such State or Territory and that the standard of competence required in such State or Territory is not lower than that required in this Territory; provided, also, that the Board is satisfied that the laws of such State or Territory accord similar recognition to the licentiates of this Territory.

SECTION 8. The Board shall refuse to recommend the issuance of a license to any applicant who has been convicted of felony, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice pharmacy or who fails to pass a satisfactory examination, or whose license has previously been revoked by the Treasurer.

SECTION 9. Every person who shall desire to be licensed as a pharmacist or assistant pharmacist shall file with the

Treasurer of the Territory a written application, fully verified by oath, setting forth the name and age of the applicant, the place or places at which, and the time spent by the applicant in the study of the science and art of pharmacy, and the experience in the compounding of physicians' prescriptions which the applicant has had under the direction of a legally licensed pharmacist.

Such applicant shall also pay to the Treasurer a fee of Ten Dollars at the time of filing his application.

SECTION 10. Upon the receipt of such application and fee the Treasurer shall forward to the Board of Pharmacy a copy of the application and shall direct the Board to examine the applicant. If the Board shall recommend the issuance of a license to the applicant the Treasurer shall forthwith issue the same, but except as herein provided, no license to practice pharmacy shall be issued except upon such recommendation.

SECTION 11. Such license, when issued, shall authorize the licensee to practice as a pharmacist or as an assistant pharmacist, (as the case may be), in any part of the Territory so long as the license remains unrevoked.

SECTION 12. The Treasurer may revoke any license issued under the provisions of this Act upon proof to his satisfaction of alleged professional misconduct, gross carelessness or manifest incapacity on the part of the licensee. *Provided, however,* that no such license shall be revoked except upon due notice to the licensee of the charge against him and an opportunity to be heard in defense. The action of the Treasurer shall be final and not subject to appeal or review.

SECTION 13. Nothing in this Act contained shall be construed to repeal or conflict with any Act requiring the payment of a license fee for the sale of poisonous drugs.

SECTION 14. Whoever, not being licensed as a pharmacist, shall conduct or manage any pharmacy, drug or chemical

store, apothecary shop, or other place of business for the retailing, compounding or dispensing of drugs, chemicals or poisons, or who, being the owner or manager of a pharmacy, drug or chemical store, apothecary shop, or other place of business, shall cause or permit any one not licensed as a pharmacist or assistant pharmacist to compound, dispense or sell at retail any drug, medicine or poison except as an aid to or under the immediate supervision of a duly licensed pharmacist, assistant pharmacist or physician, contrary to Section 1 of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than Five Hundred Dollars, or be imprisoned at hard labor for not more than three months; but nothing in this section shall prevent any licensed merchant from selling proprietary remedies.

SECTION 15. Whoever, not being licensed as a pharmacist or assistant pharmacist, shall compound, dispense or sell at retail any drug, chemical or poison, upon any physicians' prescription or otherwise, or shall compound any physicians' prescription except as an aid to or under the immediate supervision of a person licensed as a pharmacist under this Act contrary to the provisions of Section 1 hereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than Two Hundred and Fifty Dollars or be imprisoned at hard labor not more than two months.

SECTION 16. This Act shall take effect from the date of its publication.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

**ACT 71.**

AN ACT TO PROVIDE FOR THE CARE, CUSTODY, CONTROL AND PAYMENT OF ONE HUNDRED FIFTY-FIVE THOUSAND, FIVE HUNDRED FORTY-SIX AND 70-100 DOLLARS (\$155,546.70), BEING THE MONEY NOW IN THE POSSESSION OF THE TREASURER OF THE TERRITORY AND DESIGNATED OR KNOWN AS THE "CHINESE FUND."

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of money now in the possession of the Treasurer of the Territory known as the "Chinese Fund," and amounting to One Hundred Fifty-five Thousand, Five Hundred Forty-six and 70-100 Dollars (\$155,546.70), is hereby declared to be a Government Realization.

SECTION 2. There is hereby appropriated out of the moneys in the Treasury received from the general revenues of the Territory the sum of One Hundred Fifty-five Thousand, Five Hundred Forty-six and 70-100 Dollars (\$155,546.70), to be paid out by the Treasurer on warrants drawn by the Auditor, duly issued under the terms and authority of this Act, and in no other manner and for no other purpose whatsoever.

SECTION 3. The Governor and Secretary of the Territory of Hawaii are hereby appointed a Board of Examiners to investigate all claims of Chinese whose names appear in the records of the Board of Immigration or as depositors in the Postal Savings Bank, or any other persons who have contributed to the said Chinese Fund. And whenever the said Board is satisfied as to the identity of the claimant, or his legal representatives, they shall so certify upon the claim, and such certification shall be full authority for the Auditor to draw a warrant for the Treasurer to pay the same.

SECTION 4. Claimants under this fund shall not be required to prove that it is their intention to leave the country, as a condition precedent to securing the payment of their claims.

SECTION 5. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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ACT 72.

AN ACT DEFINING AND FIXING PENALTIES OF PROCURERS,  
PIMPS AND OWNERS, AGENTS OR LESSEES OF HOUSES OR  
PLACES USED OR RESORTED TO FOR THE PURPOSE OF  
PROSTITUTION OF LEWDNESS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whoever induces, decoys, procures or compels any female against her free will to have sexual intercourse with any person other than himself; whoever induces, compels or procures any female to practice prostitution, or to hold herself out as a prostitute, with the intent thereby to obtain and secure from said female any portion of the gains earned by her in such practices; whoever assumes, or asserts or exercises authority or power to advise, direct or compel any woman to practice prostitution or hold herself out as a prostitute, or to live in a house or place for the practice of prostitution, with intent to participate in, and to obtain any portion of the gains arising from such lewd practices, every person so offending shall be deemed a procurer or pimp, and upon conviction thereof shall be fined not more than Five Hundred Dollars nor less than One Hundred Dollars and be imprisoned at hard labor not more than five years nor less than two years, or upon option of prisoner be deported at his or her own expense.

SECTION 2. Whoever keeps or maintains a house or place of ill fame used or resorted to for the purposes of prostitution of lewdness; whoever, as owner or lessee or agent thereof, know-

ingly lets or permits any house or place to be kept or maintained for the purposes of prostitution or lewdness; whoever, as owner, lessee or agent thereof, suffers any such house or place to be kept or used for the purposes of prostitution or lewdness, after having been notified in writing that such house or place is kept and used for such purposes, every person so offending shall be fined not less than One Hundred Dollars nor more than One Thousand Dollars and be imprisoned for not less than sixty days nor more than six months at hard labor.

SECTION 3. The words "whoever" and "person" as contained herein shall include members of limited partnerships, joint stock companies and corporations. Each and every partner in a limited partnership shall be severally liable to the penalties herein, and each and every officer of any joint stock company or corporation whatsoever, shall also be liable to such penalties, provided that every person specified in this Section if residing in the district or county in which action shall be brought, shall be entitled to notice in writing of the fact of such unlawful use of the house or place so used, which notice shall be served personally at least three days before complaint is filed against him under this Act.

SECTION 4. The owner of any premises the lessee of which maintains thereon a house of ill fame shall notify such lessee that his lease will be revoked if he continues such maintenance contrary to law, and if such lessee shall continue to maintain such house of ill fame such lease shall cease and determine and the owner may enter and take possession.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.



**ACT 73.**

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF SUPPLYING AND PLACING FIRE HYDRANTS IN THE STREETS OF WAILUKU AND KAHULUI, MAUI, AND FOR PURCHASING HOSE, HOSE CARTS AND OTHER EQUIPMENTS FOR VOLUNTEER FIRE COMPANY IN THE SAID TOWN OF WAILUKU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the sum of Three Thousand (\$3,000) Dollars is hereby appropriated to be paid out of all moneys in the Treasury, received from all current receipts of the general revenue of the Territory, for the purpose of supplying and placing, under the direction of the Superintendent of Public Works, fire hydrants in the streets of the towns of Wailuku and Kahului, Island of Maui, and to purchase hose, hose carts, and other necessary equipments, for the Volunteer Fire Company now organized at Wailuku, Island of Maui.

SECTION 2. This Act shall take effect from and after its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 74.**

AN ACT RELATING TO THE SETTLING, ALLOWING AND SIGNING OF DECREES AND EXCEPTIONS IN CERTAIN CASES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. In all cases in which a Circuit Judge who has presided at the trial of a case in which a verdict has been

rendered, or who has tried or heard a case or matter and announced his decision therein, shall die or cease to be a judge by resignation, removal or otherwise, or absent himself from the Territory, or become disabled by reason of illness or other cause, without having signed a decree therein, or without having allowed or signed exceptions to which a party is entitled or claims to be entitled, the successor in office, if any, of such judge, or any other judge of the same Circuit, shall, upon the agreement of the parties or upon satisfactory proof of the correctness of the proposed form of decree or statement of exceptions, settle and sign such decree and pass upon, and, if found correct, allow and sign such exceptions.

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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### ACT 75.

AN ACT TO PROVIDE FOR THE PROMPT AND EFFICIENT TRANSMISSION OF MESSAGES BY MEANS OF WIRELESS TELEGRAPH BETWEEN THE ISLANDS OF KAUAI, OAHU, MAUI AND HAWAII; AND TO ENCOURAGE AND ASSIST THE INTER-ISLAND TELEGRAPH COMPANY, LTD., IN CONSTRUCTING AND MAINTAINING SUCH A SYSTEM OF WIRELESS TELEGRAPHY.

*Whereas*, The Inter-Island Telegraph Company, Ltd., is desirous of increasing the efficiency of its system of wireless telegraphy and of connecting the Island of Kauai with the same; and

*Whereas*, It is of great benefit to the administration of the Government of the Territory of Hawaii, and to the people generally of said Territory, that prompt, efficient and cheap means of telegraphic communication between the different Islands of the group be established and maintained; therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the Inter-Island Telegraph Company, Ltd., shall construct and install a system of wireless telegraph connecting the Island of Kauai with the Island of Oahu, within the period of three months from the passage of this Act.

SECTION 2. That the Inter-Island Telegraph Company, Ltd., shall, within four months from the passage of this Act, make some changes in the location of its present stations on the Islands of Molokai, Maui and Hawaii, as will ensure more efficient service in the transmission of messages by wireless telegraph; the plans of such changes and relocating to be submitted to and approved by the Superintendent of Public Works.

SECTION 3. That the Inter-Island Telegraph Company, Ltd., shall, within six months from the passage of this Act, construct a land telegraph from its wireless telegraph station on the Island of Hawaii, as the same may be located, through the Districts of South Kohala, Hamakua and North Hilo to the town of Hilo, in the District of South Hilo.

SECTION 4. That the tariff of tolls shall not exceed the sum of ten cents (10c.) per word for messages over the system of the Inter-Island Telegraph Company, Ltd.; *Provided, however*, that a minimum toll of not to exceed one (\$1.00) dollar may be charged for any one message.

SECTION 5. That the Inter-Island Telegraph Company, Ltd., shall receive and transmit all messages pertaining to

governmental and official business of the different departments of the Territory of Hawaii free of charge.

SECTION 6. That the Territory of Hawaii shall pay to the Inter-Island Telegraph Company, Ltd., a subsidy of twelve thousand (\$12,000.00) dollars each year for the period of two years from the date of the completion of the installations and constructions provided for in Sections 1, 2 and 3 of this Act, such subsidy shall be payable in equal monthly installments of one thousand (\$1,000.00) dollars, and it shall be the duty of the Auditor of the Territory of Hawaii to draw a warrant on the Treasurer of the Territory of Hawaii, payable to the Inter-Island Telegraph Company, Ltd., on receipt of a voucher signed by the Inter-Island Telegraph Company, Ltd., and approved by the Superintendent of Public Works, showing that the provisions of this Act have been complied with by the Inter-Island Telegraph Company, Ltd.

SECTION 7. There is hereby appropriated the sum of twenty-four thousand (\$24,000.00) dollars, to be paid out of all moneys in the Treasury, to pay the subsidy provided for in Section 6 of this Act.

SECTION 8. This Act shall take effect from and after the date of its publication.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii

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**ACT 76.**

AN ACT TO REPEAL CERTAIN LAWS RELATING TO THE CENSUS.  
*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 6 of Chapter LXXIX of the Penal Code, Section 7 of the same Chapter as amended by Section 1 of

Chapter XVII of the Laws of 1878, and Section 43 of an Act of January 10, 1865, relating to the Bureau of Public Instruction (Penal Laws, Sections 1415, 1416, 1417), all relating to the Census, are hereby repealed.

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 77.**

AN ACT TO REPEAL ACT 35 OF THE LAWS OF 1898, RELATING TO THE IMPORTATION OF FOREIGN GOODS MARKED AS IF HAWAIIAN.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 35 of the Laws of 1898 is hereby repealed.

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 78.**

AN ACT RELATING TO AMENDMENTS OF PROCESS, PLEADINGS AND PROCEEDINGS, AMENDING SECTION 1145 OF THE CIVIL CODE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1145 of the Civil Code (Civil Laws, Sec. 1260) is hereby amended so as to read as follows:

“Section 1145. Whenever a plaintiff in an action shall have mistaken the form of action suited to his claim, the Court or Judge, on motion, shall permit amendments to be made on such terms as it shall adjudge reasonable; and the Court or Judge may, in furtherance of justice and on the like terms, at the trial or on appeal, or at any other stage, before or after judgment, allow any petition or pleading or process or proceeding to be amended by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect, or by inserting other allegations material to the case, or, when the amendment does not substantially change the claim or defense, by conforming the pleadings or the proceeding to the facts proved.”

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 79.**

AN ACT RELATING TO THE WRIT OF HABEAS CORPUS, AMENDING AND REPEALING CERTAIN LAWS ON THAT SUBJECT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 7 of Chapter XXXII of the Laws of 1870 (Civil Laws, Sec. 1651) is hereby amended so as to read as follows:

“Section 7. Whenever the writ shall be issued by any Circuit Judge, it may be made returnable before himself or any other Circuit Judge.”

SECTION 2. Section 8 of said Chapter XXXII (Civil Laws, Sec. 1652) is hereby amended so as to read as follows:

“Section 8. Whenever the writ is returnable before the Supreme Court, and the court shall be adjourned before it is returned, it may be returned before any Justice of the court; and, if it is returnable before a Justice, he may adjourn the case into court, when it is in session, to be heard and determined as if the writ had been returned to the court.”

SECTION 3. Section 32 of said Chapter XXXII (Civil Laws, Sec. 1676) is hereby amended so as to read as follows:

“Section 32. The Supreme Court, the Justices thereof and the Circuit Judges may in their discretion issue writs of *habeas corpus* in cases in which such writs are not demandable of right as well as in cases in which they are demandable of right.”

SECTION 4. Act 75 of the Provisional Government (Civil Laws, Sec. 1677) is hereby repealed.

SECTION 5. This Act shall take effect on the day of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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### ACT 80.

AN ACT RELATING TO THE HILO FIRE DEPARTMENT AMENDING SECTIONS 2, 10 AND 19 OF CHAPTER LXXXVI OF THE LAWS OF 1892 (PENAL LAWS, SECTIONS 1053, 1062, 1072).

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2 of Chapter LXXXVI of the Laws of 1892 (Penal Laws, Section 1053) is hereby amended so as to read as follows:

"Section 2. The Chief Engineer and Assistants shall be elected biennially on the first Monday in July in odd years."

SECTION 2. The last two sentences of Section 10 of said Chapter (Penal Laws, Section 1062) are hereby amended so as to read as follows:

"Members of the Fire Department who shall have been in the active performance of their duties for at least a year preceding the first day of January of each year shall receive a certificate to that effect, shall be exempt from the payment of the poll, school and road tax in each year. Only such members shall be entitled to vote at the elections of the Department, *Provided, however*, that no person under eighteen years of age shall be entitled to vote."

SECTION 3. Section 19 of said Chapter (Penal Laws, Section 1072) is hereby amended so as to read as follows:

"Section 19. In so far as to the provisions of Act 17 of the Laws of the Provisional Government with regard to the extinguishing of fires or the controlling thereof shall be applicable to the town of Hilo, the same shall be in force and be full authority for the performance of any act therein named for such purposes."

SECTION 4. This Act shall take effect on the day of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.



**ACT 81.****AN ACT APPROPRIATING MONEY FOR THE REIMBURSEMENT OF  
CERTAIN ROAD FUNDS.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

**SECTION 1.** The sum of Two Thousand Three Hundred and Thirty-Seven Dollars and Eighty-Five Cents is hereby appropriated out of any fund in the Treasury not otherwise appropriated for the purpose of reimbursing the following road boards.

Pay Roll, June 30, Kealaekaiole to Boundary of Lihue	\$475.65
Pay Roll, June 30, Kealaekaiole to Boundary of Lihue	359.10
Pay Roll, July 31, Kealaekaiole to Boundary of Lihue	424.10
Pay Roll, June 30, Complete Road Pahala to Volcano House. . . . .	275.00
Pay Roll, June 30, Completion of Road Huehue to Boundary of South Kohala. . . . .	685.00
Pay Roll, June 30, Completion of Road Huehue to Boundary of South Kohala. . . . .	119.00

**SECTION 2.** This Act shall take effect on the day of its approval.

Approved this 28th day of April, 1903.

**SANFORD B. DOLE,**

Governor of the Territory of Hawaii.

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**ACT 82.****AN ACT RELATING TO THE INSPECTION, TESTING, STORAGE AND  
SALE OF KEROSENE OIL, AMENDING SECTIONS 2, 5, 6 AND 7  
OF CHAPTER LXVIII OF THE LAWS OF 1890 (PENAL LAWS,  
SECTIONS 1518, 1521, 1522, 1523).**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

**SECTION 1.** Sections 2 and 5 of Chapter LXVIII of the

Laws of 1890 (Penal Laws, Sections 1518 and 1521) are hereby amended by striking therefrom the words "Minister of Finance" wherever they occur and inserting in lieu thereof the words "Superintendent of Public Works."

SECTION 2. Section 6 of said Chapter (Penal Laws, Section 1522) is hereby amended so as to read as follows:

"Section 6. All kerosene oil not equal to the test herein provided shall be at once exported or destroyed by the owner, his agent or the importer, and in case of any neglect or unreasonable delay in so doing the Inspector shall seize the same, and the kerosene so seized may, after due notice and hearing, be declared by the Court before which the case shall be brought, to be forfeited to the use of the Territory of Hawaii, and thereupon shall be exported or destroyed by the Superintendent of Public Works."

SECTION 3. Section 7 of said Chapter (Penal Laws, Section 1523) is hereby amended so as to read as follows:

"Section 7. All kerosene oil imported into this Territory shall immediately after being landed be delivered at and stored in the Government Kerosene Storehouse or in storehouses set aside for that purpose; *Provided, however,* that lots may be transferred directly from the wharf where landed to any vessel, railroad station or other place or premises authorized to receive the same, upon procuring from the Inspector a certificate of the proper testing of the same. And provided, further, that lots of not more than ten cases or one hundred gallons may be withdrawn from such storehouses and kept for consumption or sale on premises with an area of at least four hundred square feet within distinct walls, other than partition walls, except when the partition walls are fire proof; and when oil is kept on neighboring premises, it shall be so arranged that there shall be at least twenty feet clear between two lots, provided, that whenever, or on account of the close contiguity of wooden buildings or inflammable

structures, the storing of ten cases of kerosene oil, in each of such structures or separate premises might, in the opinion of the Chief Engineer of the Fire Department, cause special danger to the neighborhood in case of fire, the said Chief Engineer may with the approval of the Superintendent of Public Works, order the number of such cases reduced to any number not less than one case by written or verbal notice to any person upon such premises, or posted upon such premises, within such limits as the order shall specify and for these purposes the said Chief Engineer shall have the power to enter upon any premises in the Territory."

SECTION 4. This Act shall take effect on the day of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 83.**

AN ACT REPEALING ACT 9 OF THE PROVISIONAL GOVERNMENT  
RELATING TO THE INSPECTION OF FIRE-ARMS, AMMUNITION  
AND EXPLOSIVE SUBSTANCES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 9 of the Laws of the Provisional Government is hereby repealed.

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 84.**

AN ACT AMENDING CERTAIN LAWS RELATING TO NUISANCES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 10 of Chapter 65 of Laws 1886 (Penal Laws, Section 345) is hereby amended to read as follows:

“Awnings, balconies or verandas extending to the outer edge of any sidewalk shall be supported by an iron framework securely fastened to the building, in front of which such awnings, balconies or verandas shall be placed; every part of which framework shall be at least eleven feet above the sidewalk; and in case such awnings, balconies or verandas shall not reach as far as the outer edge of this sidewalk, they shall be supplemented by an additional roof or awning extruding as far as said outer edge of the sidewalk, and no farther; and in case the awning is suspended from such frame, it shall be so suspended on a line perpendicular to the outer edge of said sidewalk. On streets not less than fifty feet in width, balconies or verandas may be constructed, no part of which shall be less than eleven feet above the sidewalk. In no case shall such balconies or verandas exceed six feet in width, and in all cases the plans therefor shall be first approved by the Superintendent of Public Works.”

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

**ACT 85.**

AN ACT TO REPEAL CERTAIN LAWS RELATING TO TRIAL BY REFEREES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 1131 to 1135, both inclusive, of the Civil Code, (Civil Laws, Secs. 1247-1251) and Section 44 of Act LVII of the Laws of 1892 (Civil Laws, Sec. 1152), all relating to trial by referees, are hereby repealed.

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 86.**

AN ACT TO AMEND ACT 51 OF THE SESSION LAWS OF 1896, ENTITLED "AN ACT RELATING TO INTERNAL TAXES AND TO REPEAL CHAPTER 61 OF THE SESSION LAWS OF 1892 RELATIVE THERETO," APPROVED JUNE 3, 1896, AND TO REPEAL SECTION 18 THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 51 of the Session Laws of 1896, entitled "An Act relating to Internal Taxes and to repeal Chapter 61 of the Session Laws of 1892 relative thereto," approved June 3, 1896, is hereby amended by adding thereto a new section after Section 6, to be entitled "Section 6A," which section shall read as follows:

“Section 6A. Every person indebted to one who neglects or refuses to pay the personal tax, that is to say, the poll tax, school tax and road tax, becomes liable therefor, and must pay the same for such other person, provided the amount he is indebted to such person is equal to the amount of the personal tax, after service upon him by the assessor of a notice in writing stating the name of such person and the amount due, and every such person paying the personal tax of another may deduct the amount thereof from any indebtedness to such other person.”

SECTION 2. This Act shall take effect and be in force from and after the 31st day of December, 1903.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 87.**

AN ACT TO AMEND SECTION 474 OF THE CIVIL CODE OF 1859, RELATING TO THE APPOINTMENT OF A REGISTRAR OF PUBLIC ACCOUNTS, AND TO PROVIDE FOR THE APPOINTMENT OF A DEPUTY REGISTRAR OF PUBLIC ACCOUNTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 474 of the Civil Code of 1859 is hereby amended so as to read as follows:

“Section 474. The Treasurer shall appoint a Registrar of Public Accounts, and a Deputy Registrar of Public Accounts, who shall be removable at the pleasure of the Treasurer. Before the said officers shall become qualified to enter upon their respective duties, each of them shall file a bond with

good and sufficient sureties, duly approved by the Treasurer, and that in all respects they will faithfully discharge the duties of their office.”

SECTION 2. This Act shall take effect from and after its passage.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 88.**

AN ACT TO AMEND ACT 45 OF THE SESSION LAWS OF 1898 ENTITLED “AN ACT RELATING TO CORPORATIONS AND INCORPORATED COMPANIES ORGANIZED UNDER THE LAWS OF FOREIGN COUNTRIES AND CARRYING ON BUSINESS IN THIS TERRITORY; REPEALING CHAPTER XXXVI OF THE SESSION LAWS OF 1880, AND CHAPTER XXXVIII OF THE SESSION LAWS OF 1882, RELATING THERETO, AND CHAPTER XI OF THE SESSION LAWS OF 1878, ENTITLED ‘AN ACT PROVIDING FOR SERVICE OF PROCESS ON FOREIGN CORPORATIONS’”, AND TO ADD THERETO NEW SECTIONS 2A AND 2B, PROVIDING FOR A LICENSE ON CERTAIN FOREIGN CORPORATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 1 of Act 45 of the Session Laws of 1898 be amended by striking out the words “Republic and” in line 4 of said Section and substitute therefor the words “Territory or.”

SECTION 2. That a new Section, to be known as Section 2A, be added to said Act to read as follows:

"Section 2A. No foreign corporation, except foreign insurance companies, which does not invest and use its capital in this Territory, shall have an office or offices in this Territory, for the use of its officers, stockholders, agents or employees, unless it shall first have obtained from the Treasurer an annual license to do so; and for said license every such corporation shall pay into the Treasury of the Territory, for the use of the Territory, annually, one-fourth of a mill on each dollar of capital stock which said company is authorized to have, and the Treasurer shall not issue a license to any corporation until said license fee shall have been paid; provided, that if the fee as so computed does not amount to the sum of \$150.00 then such corporation shall be required to pay for said license the sum of \$150.00."

The Treasurer is hereby authorized to settle and have collected an account against any company violating the provisions of this Section for the amount of such license fee, together with a penalty for fifty per centum for failure to pay the same; *Provided*, that no license shall be necessary for any corporation engaged in the business of foreign or interstate commerce, or while employed by the Government of the United States.

SECTION 3. That a new Section, to be known as Section 2B, be added to said Act to read as follows:

"Section 2B. Every foreign corporation failing to comply with any of the statutes regarding foreign corporations shall be guilty of a misdemeanor and shall be denied the benefit of the laws of the Territory, particularly the time limiting the time for commencement of civil actions or of criminal actions, and shall not be entitled to sue, plead or appear except as hereinbelow provided, in any court of this Territory for any cause of action, whatever, while such neglect or refusal continues; *Provided, however*, that the court may grant in its discretion additional time within which to comply with the



statutes, when it shall appear that said corporation has a meritorious defence to any action brought against it."

SECTION 4. This Act shall take effect from and after July 1, 1903.

Approved this 28th day of April, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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JOINT RESOLUTION OF THE LEGISLATURE OF THE  
TERRITORY OF HAWAII.

*Be It Resolved*, By the Senate and the House of Representatives of the Territory of Hawaii, that the Congress of the United States be and is hereby respectfully requested to pass, at an early date, an Act enabling the people of this Territory who are citizens thereof and duly qualified to vote, to meet in convention and frame and adopt a State Constitution, whereby and whereunder this Territory may be admitted as a State into the Union.

*Resolved*, That the Governor of this Territory be and is hereby requested to transmit a duly certified copy of this Resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and the Delegate of the Territory of Hawaii in the Congress, with the request that this Resolution be laid before the Congress of the United States.

W. C. ACHI,  
Senator Third District.

February 18th, 1903.

Approved this 6th day of March, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

JOINT RESOLUTION OF THE LEGISLATURE OF THE  
TERRITORY OF HAWAII.

*Be It Resolved*, By the Senate and the House of Representatives of the Territory of Hawaii, that

*Whereas*, In the report of the Committee appointed by the Senate of the United States to investigate the affairs and conditions in the Territory of Hawaii, such commission have recommended that all lepers now segregated on the Island of Molokai be placed under Federal control, and that all lepers on the Mainland of the United States be transported to Molokai, thereby making a portion of our Territory a national lazaretto, and

*Whereas*, It is against the wishes of the citizens of this Territory that a national lazaretto be established in this Territory and also against the wishes of the citizens now afflicted with this disease, and now segregated on Molokai that they should be placed under Federal control, and

*Whereas*, This Territory has cared for its citizens afflicted with this disease in the most humane and intelligent manner, and that by careful segregation and intelligent treatment under the control of experienced physicians this disease is steadily decreasing, and that it is hoped in time will be eradicated from our shores.

We, therefore, as representatives of the people, in Legislature assembled, do solemnly protest to and pray the Congress of the United States that this calamity be not cast upon this Territory against the will of its citizens, and, therefore,

*Be it resolved*, that the Governor of this Territory be and he is hereby requested to transmit a duly certified copy of this resolution to the President of the United States, the President of the Senate, and the Speaker of the House of the Represen-

tatives of the United States with the request that this joint resolution be laid before the Congress of the United States.

J. D. PARIS,  
Senator First District.

Approved this 9th day of March, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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JOINT RESOLUTION.

*Be it resolved* by the Legislature of the Territory of Hawaii in second regular session assembled that the Congress of the United States is hereby respectfully requested to amend Section 44 of the Act to Provide a Government for the Territory of Hawaii so as to permit the use of the Hawaiian Language; and

*Be it further resolved*, That certified copies of this resolution be sent by the Governor of the Territory of Hawaii, one to the President of the United States, one to the President of the Senate of the United States, one to the Speaker of the House of Representatives of the United States, and one to the Delegate of the Territory of Hawaii to Congress.

We hereby certify that the foregoing Joint Resolution, after reconsideration on the veto of the Governor was, upon a vote taken by ayes and noes, approved by a two-thirds' vote of all the elective members of the House of Representatives of the Territory of Hawaii, this 9th day of April, A. D. 1903.

F. W. BECKLEY,  
Speaker.

SOLOMON MEHEULA,  
Clerk House of Representatives.

We hereby certify that the foregoing Joint Resolution, after reconsideration on the veto of the Governor was, upon a vote taken by ayes and noes, approved by a two-thirds' vote of all the elective members of the Senate of the Territory of Hawaii, this 9th day of April, A. D. 1903.

CLARANCE L. CRABBE,

President.

WILLIAM SAVIDGE,

Clerk of the Senate.

### JOINT RESOLUTION.

*Whereas* lots numbered 56, 57, 58, 59, 144 and 145, both inclusive of the new Olaa Tract, altogether containing 299.31 acres of land of poor quality, unfit for settlement, are occupied by an extinct crater of such proportions and age that it is holding considerable amount of water.

*Whereas* with a small amount of work in the way of a dam at the outlet still larger quantity of water may be stored for domestic purposes, irrigation, fluming, etc.

*Whereas* a large number of settlers have located upon and are now residing in said new Olaa Tract below the lots above enumerated, which settlers in water supply depend upon the reservoir above mentioned and would be greatly harmed should the reservoir become an object of a private monopoly.

*Resolved*, by the Senate, the House of Representatives concurring, that the above enumerated lots be recommended to be forever withdrawn from entry and alienation, and the Governor and the Commissioner of Public Lands of the Territory of Hawaii be requested to take such step within their respective powers to reserve same for public purposes.

Approved this 25th day of April, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

## JOINT RESOLUTION.

*Be it resolved* by the Legislature of the Territory of Hawaii:

*That, Whereas,* the Harbors of Honolulu and Hilo, are the two principal harbors of the Territory of Hawaii, and the commerce of Hawaii, both local and in connection with through lines between the United States and Asia and Australia is rapidly increasing, and is being carried on in ships of much greater size than heretofore; and

*Whereas,* the depth of water on the Honolulu Harbor Bar and within the harbor is only approximately 30 feet and steamers drawing 30 feet are now running to Honolulu and others are about to be regularly placed in the Honolulu trade which draw 34 feet of water; and

*Whereas,* the port of Hilo, Island of Hawaii, requires a break-water to make it a safe harbor in case of a northerly storm, and

*Whereas,* the deepening of said Harbor of Honolulu and the building of said break-water at Hilo are undertakings too costly for the Territorial Treasury:

*Resolved,* that the Legislature of the Territory of Hawaii do and it hereby does request the Congress of the United States to appropriate and expend such money as may be necessary to deepen the harbor of Honolulu to such a depth that it will accommodate all vessels arriving there, and to build a break-water at said Hilo, thereby rendering it a safe harbor at all times.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

## JOINT RESOLUTION.

*Be it resolved*, the Senate and House of Representatives concurring, that the band boys playing in the Territorial Band whenever sick, and can produce a certificate from a physician of good standing, shall not have their salaries deducted and be punished besides, as has been the practice heretofore; and

*Be it further resolved*, that if any of the boys are sick up to twenty days, they shall receive their full salary, after twenty days, half pay, within the discretion of the Bandmaster; and

*Be it further resolved*, that whenever the Band plays at inter-island steamers, it shall not play more than an hour, subject, however, to the discretion of the Bandmaster.

Approved this 28th day of April, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

# EXTRA SESSION.

## 1903.

### ACT 1.

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE IMMEDIATE USE OF THE JUDICIARY DEPARTMENT, THE DEPARTMENT OF PUBLIC WORKS, THE DEPARTMENT OF PUBLIC INSTRUCTION, THE COMMISSION OF PUBLIC LANDS, THE BOARD OF HEALTH AND ATTORNEY GENERAL'S DEPARTMENT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums, amounting to Two Hundred and Forty-four Thousand, Eight Hundred and Ninety-three Dollars and Seventy-five cents (\$244,893.75), are hereby appropriated to be paid out of all moneys in the Treasury received from all current receipts of the general revenue of the Territory:

DEPARTMENT OF PUBLIC WORKS, TO JUNE 30TH, 1903.

Macadamizing streets in Kewalo and Kakaako . . . . .	\$10,000.00
Roads and Bridges 4th District, including Nuuanu Avenue, Honolulu . . . . .	25,000.00
For widening, straightening and grading the Waialae Road from Kamoiliili to the crest of the Kaimuki Ridge . . . . .	13,000.00
Roads and Bridges, portion of the 5th District, in the District of Kona . . . . .	12,000.00
Roads and Bridges, Ewa District . . . . .	3,000.00
Roads and Bridges, Waianae . . . . .	3,000.00
Roads and Bridges, Koolaupoko . . . . .	200.00
Roads and Bridges, Koolauloa . . . . .	300.00

Roads and Bridges, Waialua.....	\$ 1,000.00
Dredging in Honolulu Harbor at wharves under the control of the Territorial Superintendent of Public Works, or his successor.....	25,000.00
Landings and Buoys, Honolulu.....	15,000.00
Expenses, sewers, Honolulu.....	1,500.00
Repairs Government Buildings.....	4,500.00
Furniture Government Buildings.....	500.00
Roads and Bridges general, all islands.....	10,000.00
Landings and Buoys, general.....	3,000.00
Landings and Buoys, Hawaii.....	5,000.00
Repairs to Kamalo wharf.....	500.00
Repairs to wharf at Hana, Maui.....	5,000.00
Hilo Water Works, or so much thereof as may be necessary to complete contract.....	9,000.00
Completion of road Huehue to South Kohala, or so much thereof as may be necessary to com- plete contract .....	5,000.00
Relocating road between Ookala and Kukaiaua, Hawaii. . . . .	5,000.00
For building new abutments, Wailuku Bridge, Hilo. . . . .	4,000.00
For repairing Bridge at Puaiole, North Kohala...	3,000.00
Waimea Wharf, Kauai.....	1,500.00
Repairing and macadamizing Lusitana Street.....	10,000.00
Widening and extending Aala Lane to Kukui Street. . . . .	10,000.00
Curbing Thomas Square walks, as per contract...	1,086.75
Running expenses, pumping plants, Honolulu....	1,600.00
General Repairs .....	400.00
House Numbering Department.....	210.00
Claim of Isaac Noar for Road Damages.....	977.00

DEPARTMENT OF PUBLIC INSTRUCTION, TO JUNE 30TH, 1903.

Reform School, general expenses, food, clothing, tools, etc. ....	2,400.00
Stationery and Incidentals.....	1,500.00
Establishing Kindergarten System in connection with Normal School.....	1,800.00



Haiku School-house, or as much thereof as may be  
 necessary to complete contract..... \$ 1,000.00

COMMISSION OF PUBLIC LANDS, JANUARY 1ST TO JUNE 30TH, 1903.

Office and Travelling Expenses, Printing and Ad-  
 vertising, and Incidentals..... 1,800.00

BOARD OF HEALTH, JANUARY 1ST TO JUNE 30TH, 1903.

General Expenses ..... 2,000.00  
 Disinfectants. . . . . 170.00  
 Fumigation Expenses ..... 4,200.00  
 Support, Segregation and Treatment of Lepers... 15,000.00  
 Purchase of Dr. Goto's Medicines..... 3,000.00  
 Dr. Goto to Treat Lepers at Molokai..... 3,000.00

JUDICIARY DEPARTMENT, JANUARY 1ST TO JUNE 30TH, 1903.

Supreme and Circuit Courts..... 18,250.00  
 Pay of Interpreters not specially provided for.... 300.00

ATTORNEY GENERAL'S DEPARTMENT.

Civil and Criminal Incidentals..... 1,200.00

SECTION 2. In the construction of all new roads or bridges and in the expenditure of all specific appropriations for the repairing of the roads and bridges it shall first be necessary, except in the District of Kona, Oahu, that the Road Boards of the several Districts in which such new work is contemplated shall approve of the same, and all such work shall be under the supervision of the Road Board of the District in which such new work is being carried on; and the final acceptance of all such work by the Superintendent of Public Works shall be on the certificate from such Road Board that the same has been done in a good and workmanlike manner, and as provided by the contract and specifications.

SECTION 3. The Auditor shall not draw warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditure of any money from the Treasury to be hereafter accounted for to the Legislature by Indemnity Bill, is hereby expressly prohibited.

SECTION 4. All work and every contract for constructing or repairing public works amounting to Five Hundred (\$500), Dollars, and for furnishing material, provisions and other supplies, shall be awarded to the lowest bidder who shall furnish a good and sufficient bond, only upon public advertisement for tenders, and no public work, material or supplies shall be divided or parcelled out for the purpose of evading the provisions of this Section.

SECTION 5. This Act shall take effect and become a law from the date of its publication.

Approved this 23rd day of May, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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## ACT 2.

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE SENATE IN THE EXTRA SESSION OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1903, FROM THE PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Five Thousand Dollars (\$5,000.00), from the Public Treasury for the purpose of defraying the expenses of the Senate in the Extra Session of the Legislature of the Territory of Hawaii of the year 1903.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of May, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 3.**

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE TERRITORY OF HAWAII IN THE EXTRA SESSION, OF THE YEAR 1903, FROM THE PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Thirteen Thousand Dollars (\$13,000.00) from the Public Treasury for the purpose of defraying the expenses of the House of Representatives of the Legislature of the Territory of Hawaii, in the Extra Session of the year 1903.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of June, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

**ACT 4.**

AN ACT TO APPROPRIATE MONEY FOR PAYING THE EXPENSES OF PREPARATION, TRANSLATION AND PRINTING THE JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE REGULAR SESSION OF THE TERRITORY OF HAWAII, OF THE YEAR 1903 FROM THE PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Seven Thousand Dollars (\$7,000.00), from the Public Treasury for the purpose of defraying the expenses of preparing, translating and printing the Journal of the House of Representatives of the Regular Session of the Legislature of the Territory of Hawaii of the year 1903.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 12th day of June, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 5.**

AN ACT MAKING SPECIAL APPROPRIATION FOR THE IMMEDIATE  
USE OF THE TREASURY DEPARTMENT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of Four Thousand Dollars (\$4,000 00), is hereby appropriated to be paid out of all moneys in the Treasury, received from all current receipts of the general revenue of the Territory, for the purpose of defraying the expenses of the Tax Bureau to June 30th, 1903, under the head of:

“INCIDENTALS TAX OFFICE.”

SECTION 2. This Act shall take effect and become law from the date of its approval.

Approved this 17th day of June, 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 6.**

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE DEPARTMENTAL USE OF THE TERRITORY TO PAY THE UNPAID BILLS, UP TO THE FIRST DAY OF JULY, A. D. 1903.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums, amounting to Two Hundred and Seven Thousand, Seven Hundred and Eighty Dollars and Eighty-six Cents (\$207,780.86) are hereby appropri-

ated to be paid out of all moneys in the Treasury received from all the current receipts of the several revenues of the Territory of Hawaii to pay the unpaid bills up to the First Day of July, A. D. 1903:

JUDICIARY DEPARTMENT.

Supreme Court and Judiciary Department:

Miscellaneous.....	\$	210.30	
		<hr/>	\$ 210.30

First Circuit Court:

Pay of Grand Jurors ..	\$	2,650.00	
Pay of Trial Jurors.....		3,600.00	
Regular Bailiffs .....		850.00	
Extra Bailiffs .....		62.00	
Extra Interpreters .....		352.00	
Extra Stenographers .....		445.00	
Miscellaneous .....		321.00	
		<hr/>	\$ 8,280.00

Second Circuit Court:

Pay of Grand Jurors .....	\$	157.75	
Pay of Trial Jurors .....		824.75	
Regular Bailiff .....		250.00	
Extra Interpreters .....		365.00	
Extra Stenographers .....		249.00	
Miscellaneous .....		84.00	
District Magistrate, Kalaupapa, to June 30th, 1903.....		500.00	
		<hr/>	\$ 2,431.40

Third Circuit Court:

Regular Bailiff .....	\$	200.00	
Extra Stenographer .....		10.00	
Miscellaneous .....		60.00	
		<hr/>	\$ 270.00

Fourth Circuit Court:	
Miscellaneous . . . . .	\$ 342.25
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	\$ 342.25
Fifth Circuit Court:	
Pay of Grand Jurors . . . . .	\$ 130.00
Pay of Trial Jurors . . . . .	507.00
Extra Clerical Assistance . . . . .	66.35
Extra Interpreters . . . . .	291.25
Miscellaneous . . . . .	32.25
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	\$ 1,026.85

## TREASURY DEPARTMENT.

First Taxation Division—Island of Oahu:	
E. C. Winston . . . . .	\$ 325.00
J. F. Brown . . . . .	325.00
S. K. Ka-ne . . . . .	325.00
Bulletin Publishing Co., Ltd. . . . .	404.94
Hawaiian Gazette Co., Ltd. . . . .	56.50
Second Taxation Division—Island of Maui, etc.:	
Maui Telephone Co. . . . .	15.00
W. T. Robinson . . . . .	53.40
First National Bank of Wailuku . . . . .	23.01
Third Taxation Division—Island of Hawaii:	
Hawaii Herald . . . . .	192.50
Kona-Kau Telephone Co. . . . .	18.00
Hilo Telephone Co., Ltd. . . . .	24.00
Mana Stables . . . . .	.75
A. McAlton . . . . .	88.00
N. C. Wilfong . . . . .	53.68
Volcano Stables . . . . .	7.00
Hilo Electric Co. . . . .	2.40
Hilo Tribune, Receipt Books . . . . .	4.50
Wall, Nichols & Co., Stationery . . . . .	4.60
Hilo Electric Light . . . . .	9.45
Volcano Stables . . . . .	58.45
G. F. Alfonso, Publishing . . . . .	40.00

N. C. Wilfong .....	\$ 27.95
N. C. Wilfong, Mana Stables.....	2.55
Smith & Parsons, Services.....	125.00
Fourth Taxation Division—Island of Kauai:	
Kauai Telephone Co.....	30.00
H. K. Kahele .....	5.00
Lihue Post Office.....	3.50
Estate of J. D. Neal.....	5.00
E. H. W. Broadbent .....	10.00
Bulletin Publishing Co.....	780.33
Incidentals, Tax Office.....	3,758.84

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\$ 6,779.35

DEPARTMENT OF PUBLIC WORKS.

Landings and Buoys, Hawaii:	
Hilo Electric Co.....\$	62.95
Hutchinson Sugar Co.....	123.13
Electric Light, Honolulu:	
The Hawaiian Electric Co.....	12.50
Garbage and Excavator Service:	
W. G. Irwin & Co.....	7.74
Repairs, etc., Government Buildings:	
W. G. Irwin & Co.....	39.23
F. Harrison .....	125.75
Road Damages, All Islands:	
Hustace & Co.....	2.50
Concrete Construction Co.....	613.14
A. J. Axtell .....	297.58
Waichinn Water Works:	
Lewers & Cooke, Ltd.....	118.25
Roads and Bridges, Hilo:	
H. Hackfeld & Co.....	22.50
Quarantine of Diseased Animals:	
J. R. Shaw.....	67.75
Nanawale Homestead Road:	
R. Ross .....	812.50
John Moore .....	45.00
Kaumama Road to Olaa Flume:	
Olaa Sugar Co.....	2,531.00

## Piihonua Road:

Hawaii Mill Co. . . . .	\$ 5,000.00
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## Commission of Agriculture and Forestry:

## Competitive Exhibitions of Fruit, Vegetables, Plants, etc., H. S.

Crocker & Co., balance. . . . .	10.49
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## Waipunalei Homestead Road:

Thos. McKinley. . . . .	218.00
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## Pahala to Volcano Road:

Lewers & Cooke, Ltd. . . . .	101.54
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## Hamakua Forest Fires:

Paauhau Sugar Plantation Co. . . . .	9.50
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Pacific Sugar Mill . . . . .	32.00
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Louisson Bros. . . . .	92.75
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Hamakua Mill Co. . . . .	235.00
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Ookala Sugar Plantation Co. . . . .	246.25
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Parker Ranch . . . . .	508.75
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Kukaiaua Plantation Co. . . . .	1,074.55
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Kukaiaua Plantation Co. . . . .	1,927.20
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## Dredging Honolulu Harbor:

Hawaiian Dredging Co. . . . .	406.25
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H. Hackfeld & Co. . . . .	9,481.73
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## Roads and Bridges, Honolulu:

H. Hackfeld & Co., Ltd, for labor and materials for wharf. . . . .	108,794.97
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Interest at 6 per cent for one year. . . . .	6,228.25
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J. J. Belser, Contract. . . . .	5,549.20
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John Nott . . . . .	237.29
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G. Muller . . . . .	19.50
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Robert Grieve Publishing Co., June 13th, 1901 . . . . .	18.50
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I. I. S. Nav. Co., Dec. 29th, 1899. . . . .	35.26
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I. I. S. Nav. Co., Sept. 28th, 1900. . . . .	60.21
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I. I. S. Nav. Co., Oct. 4th, 1900. . . . .	6.46
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I. I. S. Nav. Co., Feb. 28th, 1901. . . . .	435.70
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I. I. S. Nav. Co., Mar. 30th, 1901. . . . .	328.74
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Anton Waltjen, Aug. 28th, 1900. . . . .	270.50
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F. Johnson, June 30th, 1900. . . . .	148.00
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Hawi Store, July 31st, 1900.....\$	11.61
Hawi Store, May 31st, 1900.....	52.25
J. J. Belser, Jan. 31st, 1902.....	480.00
Bishop Estate, March 1st, 1902.....	280.00
Bishop Estate, Aug. 29th, 1902.....	54.00
Bishop Estate, Sept. 19th, 1902.....	236.05
Bishop Estate, Jan. 31st, 1903.....	300.00
A. J. Coffee Co, Jan 28th, 1903.....	150.00
Honolulu Iron Works Co., Oct. 15th 1900.....	19,635.00
Estate of D. G. Camarinos.....	72.50
G. Muller, Jan. 11th, 1902, repair lawn mower, Thomas Square.....	3.75
E. O. Hall & Son, Feb. 9th, 1903, Sundry Tools .....	12.15
Locomobile Co., Jan. 24th, 1903, grinding lawn mowers.....	2.00
Pacific Hardware Co., March 4th, 1903, brooms, etc.....	6.13
Sanitary Steam Laundry, March 31st, 1903, laundering towels.....	4.50
Hawaiian Electric Co., March 31st, 1903, Ice, Office .....	2.60
Hawaiian News Co., March 20th, 1903, Sundries.....	11.25
H. F. Wichman, March 10th, 1903, Barometer .....	30.00
Hawaiian Electric Co., March 31st, 1903, Ice, Pilots' Office.....	2.60
Berrey's Commercial Agency, sub- scription Agency and Transfers..	18.00
Benson, Smith & Co., Feb. 28th, 1903, Soap .....	.75
E. F. Cameron, Feb. 6th, 1903, sub- scription .....	15.00
Hawaiian News Co., Feb 28th, 1903, Sundries .....	4.50
Hawaiian Electric Co., Feb. 28th, 1903, Ice, Office.....	2.40

Hawaiian Electric Co., Feb. 28th, 1903, Ice, Pilots' Office.....\$	21.80
J. H. Harrison, Feb 28th, 1903, Type- writer ribbons .....	2.25
Pacific Hardware Co., Feb. 20th, 1903, Sundries.....	.75
Sanitary Steam Laundry, Feb. 28th, 1903, laundering towels .....	4.50
Volcano Stables Co., Jan 31st, 1903 Livery ..	90.00
Washington Light Co., Feb. 6th, 1903, Sundries .....	3.00
Hawaiian Electric Co., April 30th, 1903, Ice, Office .....	4.30
Hawaiian Electric Co., April 30th, 1903, Ice, Office .....	2.60
Sanitary Steam Laundry, Apr. 30th, 1903, laundering towels .....	4.50
Hawaiian Electric Co., April 30th, 1903, Ice, Pilots' Office.....	3.00
J. H. Harrison, April 30th, 1903, Car- bon Paper .....	7.00
Hawaiian News Co., April 30th, 1903, Sundries ..	7.75
Mutual Telephone Co., April 1, 1903, "Blue 1801" .....	12.00
Mutual Telephone Co., April 1, 1903, "King 242" .....	12.00
Mutual Telephone Co., April 1, 1903, "Blue 2161" .....	12.00
Mutual Telephone Co., April 1, 1903, "Main 37".....	18.00
Mutual Telephone Co., April 1, 1903, "Sundry Telephones" .....	27.00
Mutual Telephone Co., April 1, 1903, "Main 263" .....	12.00
Mutual Telephone Co., April 1, 1903, "Main 94" .....	12.00

Mutual Telephone Co., April 1, 1903, "Main 233" .....	\$ 12.00
Mutual Telephone Co., April 1, 1903, "Main 334" .....	12.00
Mutual Telephone Co., April 1, 1903, "Main 1" .....	12.00
Hawaiian Electric Co., May 31, 1903, Ice, Office .....	2.60
Hawaiian Electric Co., May 31, 1903, Ice, Pilots' Office .....	3.10
Hawaiian News Co., May 30, 1903, Sundries ..	8.00
N. F. Burgess, Feb. 27, 1903, differ- ence in exchange of lawn mowers.	5.00
Sanitary Steam Laundry, May 30th, 1903, laundering towels .....	1.50

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\$168,057.80

DEPARTMENT OF PUBLIC INSTRUCTION.

General Expenses, Food, Clothing, Tools, etc., Industrial School:	
T. H. Davies & Co.....	\$ 91.70
Metropolitan Meat Co. . . . .	418.76
W. L. Wilcox.....	122.50
Hawaiian Electric Co.....	28.00
Love's Bakery .....	70.45
Honolulu Produce and Supply Co. . . .	76.60
Henry May & Co., Ltd.....	41.25
Stationery and Incidentals:	
Ahoy and Akin & Co.....	3.00
M. F. Scott .....	120.00
Olaa Store .....	4.30
Hawaiian Star N. A.....	55.00
Wall, Nichols & Co., Ltd.....	310.75
Benson, Smith & Co., Ltd.....	7.40
Hawaiian Mercantile Co.....	10.05
Hawaiian Electric Co.....	7.90
D. Kahooio. . . . .	15.00

Sanitary Steam Laundry .....	\$ 4.50
L. Severance .....	1.00
Hawaiian News Co.....	98.00
E. L. Rackliff .....	30.00
Nieper's Express .....	1.75
Waimea Water Co., Ltd.....	6.00
Makaaainana Printing Co.....	12.00
Paia Post Office .....	5.00
E. O. Hall & Son.....	25.25
Porter Furniture Co.....	2.00
Miss J. M. Barnard .....	18.00
J. D. Spreckels & Co.....	21.00
Hawaiian Commercial and Sugar Co.	1.25
Smith Estate .....	30.00
McGuire's Express .....	1.75
Oahu Railway & Land Co.....	.95
Hawaiian Gazette Co.....	14.50
E. W. Barnard .....	3.30
Mutual Telephone Co.....	7.50
Oahu Sugar Co.....	63.00
Hawaiian Hardware Co.....	2.40
Waialua Soda Works.....	12.50
Bulletin Publishing Co.....	58.70
Oahu Railway & Land Co.....	1.00
D. D. Baldwin .....	5.00
Hana Store .....	5.70
F. J. Wilhelm .....	600.00
Olaa Sugar Co.:	
School House and Dwelling House..	3,500.00
Oahu Sugar Co.:	
Teacher's Dwelling House .....	1,153.25
Miss A. Z. Hadley:	
Repairs to Cottage .....	357.57
Back Pay of Teachers as follows:	
Thomas Aiu .....	40.00
Miss Myra Angus .....	20.00
Christian Andrews .....	66.67
Miss B. F. Bindt.....	20.00
Miss Ada Bush.....	20.00

Miss Lulu Cameron .....	\$ 40.00
Eugene Capellas .....	40.00
Miss Bernice Cook.....	20.00
Miss Ellen Cook .....	20.00
Mrs. A. J. Derby.....	20.00
Miss M. Davison .....	20.00
Miss Mary Ferreira .....	60.00
Miss Carrie P. Green .....	20.00
Miss Rhoda H. Green .....	33.33
Emile de Harne .....	100.00
Miss E. R. Hart .....	60.00
Miss Tenira Henry .....	20.00
Miss Kate Horner.....	20.00
Miss Kate Howland.....	7.50
William Isaacs .....	20.00
Miss Piliuni Jones .....	20.00
Miss Maud Jordan .....	20.00
Moses Kauhimalu .....	20.00
D. B. Kuhns .....	20.00
Miss A. A. McCord.....	73.33
Miss Jennie McLain .....	20.00
Miss Nellie McLain.....	20.00
Mrs. C. E. Moore.....	20.00
Miss Aimee Mossman.....	20.00
Moses Malakaua .....	26.67
Harry T. Mills.....	40.00
Mrs J. Nishwitz .....	20.00
Mrs. F. Patton.....	20.00
Miss Nellie Rickard .....	8.00
Miss Zelie Rogers.....	46.67
Miss Mary S. Ross .....	33.33
A. de Souza.....	8.00
Miss Ethel Smith .....	40.00
H. E. Wilson .....	20.00

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\$ 1,163.50

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\$ 8,589.03

## COMMISSION OF PUBLIC LANDS.

## Expenses of Commissioner of Public

Lands at Washington .....\$ 2,000.00

\$ 2,000.00

## BOARD OF HEALTH.

## Segregation, Support and Treatment of Lepers:

Wilder's S. S. Co.....	612.90
Fumigation Expenses:	
Union Express Co., Ltd.....	22.50
Honolulu Dairymen's Association...	17.55
Henry May & Co., Ltd.....	20.70
C. Q. Yee Hep & Co.....	92.29
Benson, Smith & Co., Ltd.....	255.47
Catton, Neill & Co., Ltd.....	30.56
City Furniture Store .....	60.00
W. W. Dimond & Co.....	14.70
E. O. Hall & Son,.....	19.82
Hustace & Co., Ltd.....	61.00
Ah Leong . . . . .	279.09
People's Express .....	.75
J. E. Goas .....	101.05
M. S. Grinbaum & Co .....	36.01
Hawaiian Electric Co., Ltd.....	4.85
J. A. Hopper.....	13.50
Honolulu Undertaking Co.....	20.00
Lewers & Cooke, Ltd.....	5.00
Love's Bakery .....	.57
Mutual Telephone Co., Ltd.....	22.50
Porter Furniture Co.....	27.00
S. I. Shaw .....	4.00
W. L. Wilcox.....	4.72
S. I. Shaw & Co.....	4.00
Emmeluth & Co.....	2.75
Ambrose K. Hutchinson.....	544.00
J. W. Kalua, Jan. 14, 1903.....	641.75
J. W. Kalua, Nov 18, 1902.....	213.05

\$ 3,132.08

## SECRETARY'S OFFICE.

Emmeluth & Co.....	\$	1.25	
Wilder's S. S. Co.....		125.25	
			<hr/>
	\$		126.50

## ATTORNEY GENERAL'S DEPARTMENT.

Wm. F. Jones .....	\$	175.00	
Unpaid Bills, Police Department....		1,800.00	
Rev. H. Manase.....		500.00	
			<hr/>
	\$		2,475.00

## RECAPITULATION.

Judiciary Department .....	\$	12,560.80	
Treasury Department.....		6,779.35	
Department of Public Works.....		168,057.80	
Department of Public Instruction...		8,589.03	
Commission of Public Lands.....		2,000.00	
Board of Health.....		3,132.08	
Secretary's Office .....		126.50	
Attorney General's Department....		2,475.00	
			<hr/>
Grand Total .....	\$	203,720.56	

Note.—37 items vetoed by the Governor and sustained.....	\$	4,077.00	
			<hr/>
	\$		207,797.56

SECTION 2. This Act shall take effect and become law after its approval.

Approved this 22nd day of June, 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

**ACT 7.**

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE AUDITOR OF THE TERRITORY OF HAWAII IN FURNISHING BLANKS AND BLANK BOOKS TO COUNTY OFFICERS, AS PROVIDED FOR IN SEC. 505 OF ACT 31, SESSION LAWS OF 1903, (REGULAR SESSION).

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Twelve Thousand Five Hundred (\$12,500) Dollars from the Public Treasury of the Territory of Hawaii, for the purpose of defraying the expenses of the Auditor of the Territory of Hawaii, in furnishing the blanks and blank books to the various County Officers, as provided for in Sec. 505, of Act 31, Session Laws of 1903 (Regular Session).

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of June, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 8.**

AN ACT AMENDING ACT 1 OF THE LAWS OF THE EXTRA SESSION OF THE LEGISLATURE IN 1903.

WHEREAS, the expenditure of the moneys appropriated by the said Act are generally limited by the words of the Act to the period between January 1st, 1903, and June 30th, 1903, and

WHEREAS, the said Act having been approved on the 23rd day of May, 1903, the time left before the expiration of the said period is insufficient for the due and proper expenditure of such appropriations.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of said Act is hereby amended by adding the following words after the word "Territory" in the



fifth line of said Section 1: "for the period beginning on the 23rd day of May, 1903, and ending on the 31st day of December, 1903."

SECTION 2. This Act shall become law from and after the date of its approval.

Approved this 23rd day of June, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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ACT 9.

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE BALANCE OF THE EXPENSES OF THE SENATE OF THE EXTRA SESSION OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1903 FROM THE PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of One Thousand and Five Hundred Dollars (\$1,500) from the Public Treasury for the purpose of defraying the balance of the expenses of the Senate of the Extra Session of the Legislature of the Territory of Hawaii of the year 1903.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of June, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

## ACT 10.

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE DEPARTMENTAL USE OF THE TERRITORY DURING SIX MONTHS FROM JULY 1ST, A. D. 1903, WHICH WILL END WITH THE 31ST DAY OF DECEMBER, A. D. 1903.

*Be it enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums amounting to One Million Two Hundred and Four Thousand Seven Hundred and Ninety-one Dollars and Eighty-seven Cents (\$1,204,791.87) are hereby appropriated to be paid out of all moneys in the Treasury received from all the current receipts of the general revenue of the Territory for Six Months commencing with the First day of July, A. D. 1903, and ending with the Thirty-first day of December, A. D. 1903.

## CURRENT EXPENSES.

## Governor's Office:

Incidentals . . . . .	\$	500.00	
			\$ 500.00

## OFFICE OF THE SECRETARY OF THE TERRITORY.

Incidentals . . . . .	\$	1,000.00
State Entertainments . . . . .		750.00
Expenses establishing Statistical Bureau . . . . .		250.00
Advertising the Resources and advantages of the Territory, and to encourage immigration. . . . .		15,000.00
Subsidy to a periodical called the Paradise of the Pacific, provided, however, that said monthly periodical distribute free of cost to the Territory 6,000 copies per month for six months at the World's		

Fair to be held at St. Louis, and 750 copies per month to different libraries and other public institutions as may be selected by the Secretary of the Territory.....	\$ 1,250.00
Preservation of Archives .....	750.00
Expenses of Election (including transportation between the Islands of Maui and Kauai Registration Boards).....	12,000.00
Printing and Advertising, including printing and translation of the County Act.....	6,000.00
For 50,000 copies of Frazier's Hand Book "Hawaii" deliverable at Honolulu and St. Louis to the order of the Secretary of the Territory, not to exceed \$6,000 .. . . . . .	6,000.00
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	\$ 43,000.00

#### JUDICIARY DEPARTMENT.

Expenses Judiciary Department..	\$ 500.00
Expenses Supreme Court .....	375.00
Expenses First Circuit Court...	8,750.00
Expenses Second Circuit Court...	2,000.00
Expenses Third Circuit Court...	1,250.00
Expenses Fourth Circuit Court...	2,500.00
Expenses Fifth Circuit Court.....	1,250.00
Purchase of Law Books, Supreme Court .. . . . . .	375.00
Purchase of Law Books, Circuit Courts, other than First Circuit, to be expended by the Supreme Court .. . . . . .	500.00
Compiling, Printing and Binding Hawaiian Reports .....	625.00

Stationery and Incidentals, all Courts, to be expended by the Supreme Court .....	\$ 625.00
Traveling Expenses District Magistrates .. . . . . .	125.00
Traveling Expenses Judge and Clerk, Second Circuit (if terms are continued at Lahaina, Maui).. . . . . .	75.00
Traveling Expenses Judge and Clerk, Third Circuit.....	50.00
Traveling Expenses Judge and Clerk, Fourth Circuit (if terms are continued at Honokaa, Hamakua, Hawaii) .....	75.00
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	\$ 19,075.00

## DEPARTMENT OF THE ATTORNEY - GENERAL.

Support and Maintenance of Prisoners .. . . . . .	\$ 28,000.00
Incidentals, Civil and Criminal Cases .. . . . . .	12,000.00
Coroner's Inquests .....	2,000.00
Expenses of Witnesses in Criminal Cases .. . . . . .	2,000.00
Purchasing and Installing Fifty (50) new Gamewell Police call boxes .. . . . . .	10,000.00
Purchasing and Installing ten (10) new Gamewell Police call Boxes for Hilo, Hawaii.....	2,500.00
Purchasing Team of Horses for Patrol Wagon .....	600.00
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	\$ 57,100.00

## TREASURY DEPARTMENT.

Interest Public Debt, Commissions and Exchange . . . . .	\$100,000.00
Incidentals Treasurer's office . . . . .	2,250.00
Incidentals Tax Office . . . . .	3,125.00
Incidentals Bureau of Convey- ances . . . . .	437.00
Incidentals under the Insurance Law . . . . .	700.00
Henry Smith, refund of taxes . . . . .	24.43
A. McLennan, refund of taxes . . . . .	5.50
James H. Hanlon, refund of taxes . . . . .	5.50
Manuel Baptista, refund of taxes . . . . .	17.00
Robert Parker Waipa, refund of taxes . . . . .	40.00
Mrs. M. J. Forbes . . . . .	21.00
Hawaiian Fertilizer Co., refund of merchandise license fee col- lected in error . . . . .	1,776.36

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\$ 108,401.79

## DEPARTMENT OF PUBLIC WORKS.

Departmental Expenses . . . . .	\$ 1,250.00
E. van Sendon, amount of purchase price of Lot 10, Nuuanu Val- ley, to be refunded . . . . .	1,210.00
Incidental and Traveling Expenses, to be accompanied by vouchers . . . . .	1,000.00
Printing and Advertising . . . . .	1,750.00
Traveling Expenses Road Engi- neer, to be accompanied by vouchers . . . . .	375.00
Expenses Territorial Exhibit at St. Louis Exposition . . . . .	30,000.00
Repairs, Furniture and Additions to Public Buildings . . . . .	12,500.00
Repairs Royal Mausoleum . . . . .	10,000.00

Physical Laboratory, Public Works Office . . . . .	\$ 375.00
Landings and Buoys, Hawaii . . . . .	2,500.00
Landings and Buoys, South Hilo . . . . .	750.00
Widening Wharf and improving Harbor, Hookena, South Kona . . . . .	2,600.00
Landings and Buoys, Maui . . . . .	1,000.00
Landings and Buoys, Molokai and Lanai . . . . .	500.00
Landings and Buoys, outer Districts Oahu . . . . .	250.00
Repairs wharves, Honolulu . . . . .	50,000.00
Dredging Honolulu Harbor . . . . .	50,000.00
Landings and Buoys, Kauai . . . . .	500.00
Repairs to wharf, Hana, Maui . . . . .	5,000.00
Lighthouse Expenses . . . . .	750.00
Expenses Steam Tug . . . . .	5,000.00
Expenses Pilot Boats . . . . .	500.00
Expenses Numbering Houses . . . . .	1,200.00
Subsidy Oahu Railway & Land Co. Electric Light, Honolulu, \$3,000 for the Fourth District, \$3,000 for the Fifth District . . . . .	9,275.00
Expenses and Maintenance Police Fire Alarm . . . . .	6,000.00
Electric Lighting, Hilo Streets . . . . .	1,750.00
Lighting Streets other than Honolulu and Hilo . . . . .	1,800.00
Honolulu Park Commission (Superintendent of Public Works to be a member) . . . . .	500.00
Rent Waiakamilo Camp . . . . .	6,000.00
Running Expenses Market . . . . .	450.00
Running Expenses Laundries . . . . .	250.00
Curbing and Paving Government sidewalks and walks . . . . .	2,750.00
Fencing and Grading Government Lots . . . . .	2,000.00
Quarantine of diseased animals . . . . .	2,500.00
	500.00

Expenses Veterinary Surgeon, other than Honolulu.....\$	600.00
Care of Government Cemeteries..	1,000.00
Rent of Land for Kerosene Warehouse.. . . . .	300.00
Repairs Court House and Jail, Wai-ohinu . . . . .	500.00
Repairs Lahaina Court House and Maintenance of Grounds.....	1,200.00
Jailor's Cottage, North Kona.....	600.00
Warehouse Napoopoo . . . . .	500.00
Jailor's House, Kipahulu . . . . .	400.00
Jail, Kipahulu . . . . .	100.00
Wharf Shed, Hookena . . . . .	500.00
Repairs Waianae Court House, or new Court House.....	1,000.00
Repairs Jail and Cottage, Waia-nae, or new Jail and Cottage..	1,000.00
Repairs Ewa Court House.....	500.00
Repairs Jail at Ewa.....	500.00
Sewerage, Honolulu:	
Five Per Cent Reserved, Kewalo District Sewer, Vincent & Bel-ser . . . . .	878.76
Running Expenses Sewer Pumping Station . . . . .	4,000.00
Running expenses Excavator and Garbage Service . . . . .	7,500.00
Running Expenses Garbage Crematory . . . . .	1,800.00
Maintenance Sewer System, Honolulu.. . . . .	750.00
Water Works, Honolulu:	
General Repairs . . . . .	3,000.00
Repairs to Reservoirs.....	2,000.00
Running Expenses . . . . .	3,750.00
Running Expenses Pumping Plants (3) . . . . .	12,500.00

Purchase and laying of Water Main from the Nuuanu Reservoirs along the Puunui Lots to Wylie Street .....	\$ 7,500.00
R. W. Aylett, refund of over-paid water rates .....	15.50
Water Works, Other Islands:	
Hilo Water Works.....	4,750.00
Laupahoehoe Water Works.....	50.00
Wailuku and Kahului Water Works .....	900.00
Pressure Relief Reservoir, Kahului	1,800.00
Labaina Water Works .....	1,000.00
Development of water from Polipoli Spring on the land of Kamaole, including water pipes and cost of laying.....	5,000.00
Developing water at Kamaoiki, Kalihi, and water pipes.....	5,000.00
Koloa Water Works.....	200.00
Waiohinu Water Works .....	62.50
Lualualei Water Works.....	2,000.00
Fire Department:	
Honolulu Fire Department.....	8,115.00
Equipment and Maintenance of Combination Chemical and Hose Wagon, in vicinity of Nuuanu and Judd Streets....	7,120.00
Equipment and Maintenance of Combination Chemical and Hose Wagon at Kalihi.....	7,120.00
Equipment and Maintenance Combination Chemical and Hose Wagon at Waikiki.....	7,120.00
Equipment and Maintenance of Combination Chemical and Hose Wagon, Hilo, Hawaii...	7,120.00
Equipment and Maintenance of Combination Chemical and	



Hose Wagon, Lahaina . . . . .	\$ 7,120.00
Equipment and Maintenance of Combination Chemical and Hose Wagon, Wailuku . . . . .	7,120.00
Equipment and Maintenance of Combination Chemical and Hose Wagon, Waimea, Kauai . . . . .	7,120.00
Public Grounds:	
Improving Thomas Square . . . . .	625.00
Expenses of Public Grounds, tools, etc. . . . .	180.00
Public Grounds, General . . . . .	450.00
Aala Park . . . . .	625.00

#### ROADS AND BRIDGES, HAWAII.

North Kona:	
Roads and Bridges, General . . . . .	\$ 4,500.00
Widening and Improving Road from Huehue towards Waimea . . . . .	6,000.00
Rock Crusher . . . . .	2,500.00
Road from Huehue to boundary of S. Kohala, or as much thereof as may be needed to complete contract. . . . .	10,000.00
South Kona.	
Roads and Bridges, General . . . . .	3,600.00
Road from Papa to Alika . . . . .	2,500.00
Widening and top-dressing Road South of Kaohe, and sub-grad- ing, top-dressing and widening Road near Kau Boundary and Road from Hoopuloa to Upper Road . . . . .	3,000.00
Kau:	
Roads and Bridges, General . . . . .	2,500.00
Top-dressing Road from Kahuku to Kona Boundary Line . . . . .	2,500.00

Rock Crusher, Kau and S. Kona. . . \$	2,500.00
Top-dressing partly Constructed Volcano Road . . . . .	1,000.00
Puna:	
Roads and Bridges, General . . . . .	2,500.00
Olaa Homestead Roads . . . . .	6,000.00
South Hilo:	
Roads and Bridges, General . . . . .	7,500.00
Volcano Road repairs . . . . .	1,250.00
Kaiwiki Homesteads Road . . . . .	3,750.00
Piihonua Road Repairs . . . . .	300.00
Curbing and sidewalks, Govern- ment Lots . . . . .	1,250.00
North Hilo:	
Roads and Bridges, General . . . . .	3,750.00
Hamakua:	
Roads and Bridges, General . . . . .	5,000.00
Ahuloa to Waimea Road, or so much thereof as may be neces- sary to complete contract. . . .	15,000.00
Repairs to Homestead Roads and Trails, Honokaa . . . . .	5,000.00
Repairs to Homestead Roads and Trails, Paauilo to Kainehe. . .	5,000.00
Repairs to Kaala Homestead Roads . . . . .	2,000.00
Papalele Homestead Roads and Trails . . . . .	2,000.00
North Kohala:	
Roads and Bridges, General . . . . .	5,000.00
Repair of Road from Pololu to Honokane-nui . . . . .	2,000.00
Repair Road from Kawaihae to Punhue . . . . .	5,000.00
South Kohala:	
Macadamizing and top-dressing balance of way from end of present Road to Waimea Court House . . . . .	2,500.00

Gravelling Road from Puuanahulu to Nahanaohae Hill .....	\$ 750.00
Repairing and Re-grading old road to Kohala .....	1,250.00
Repairing and Maintenance Kawai- hae Road .. .....	500.00
Repairing and Maintenance of Road from Waimea to Ha- makua Boundary .....	1,250.00
Bridge for Stream between Kawai- hae and Puako .....	250.00

## ROADS AND BRIDGES, MAUI.

## Hana:

Roads and Bridges, General.....	\$ 1,500.00
Re-grading and widening Road from Hana to Ulaino .....	1,250.00

## Makawao:

Roads and Bridges, General ....	7,075.00
Fencing Kula Homestead Road..	800.00
Fencing Kaheka-Kihei Road.....	1,200.00

## Wailuku:

Roads and Bridges, General.....	4,300.00
Curbing and sidewalks, Govern- ment Lots, Wailuku .....	600.00

## Lahaina:

Roads and Bridges, General.....	3,625.00
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## Roads and Bridges, Molokai:

Roads and Bridges, General.....	1,250.00
Improving Trails, Valleys of Wai- lau and Pelekunu .....	500.00
Repairing roads Lanai.....	1,000.00

## ROADS AND BRIDGES, OAHU.

## Koolaupoko:

Roads and Bridges, General.....	\$ 1,125.00
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Relocating Road at Kailua.....\$	2,000.00
Repairs to Roads damaged by storms . . . . .	2,500.00
Repairs to Bridges.....	2,000.00
Road Machine . . . . .	400.00
Pali Road, Koolau side.....	2,000.00
Road Roller . . . . .	500.00
Koolauloa:	
Roads and Bridges, General.....	2,500.00
Waialua:	
Roads and Bridges, General.....	2,000.00
Steam Road Roller . . . . .	3,000.00
Ewa and Wainae:	
Puuloa Road . . . . .	2,500.00
Makua Trail . . . . .	500.00
Steam Roller . . . . .	3,000.00
Roads and Bridges, General.....	12,500.00
Honolulu:	
Roads and Bridges, Honolulu 4th District, including Nuuanu Street . . . . .	66,000.00
Repairs Kama Lane . . . . .	100.00
Roads and Bridges, Honolulu 5th District . . . . .	50,000.00
Repairing and Macadamizing Lili- ha Street Extension from Wyl- lie Sreet to Government Quarry . . . . .	5,000.00
Road to new Cemetery Kalihi....	2,000.00
Kunawai Lane . . . . .	500.00

## ROADS AND BRIDGES, KAUAI.

## Waimea:

Roads and Bridges, General.....\$	1,250.00
New Bridge over Waimea River, or so much thereof as may be necessary to complete con- tract . . . . .	20,000.00

Filling and Grading Road from Waimea Bridge past Waimea Postoffice to first rise beyond..\$	3,000.00
Bridge across Hoaea Gulch.....	1,000.00
Lihue:	
Regrading Road three miles into Huleia Valley .....	4,000.00
Roads and Bridges, General.....	3,875.00
Regrading Roads 1 mile into Niu- malu Valley .. . . . . .	5,000.00
Bridge across Niumalu Gulch....	2,500.00
Steam Roller .....	3,000.00
Regrading Road from Lihue Mill to Lihue Postoffice, including raising of stone bridges.....	5,000.00
Koloa:	
Roads and Bridges, General .....	1,883.75
Completing New Road and grade Kalaheo Valley .....	500.00
Road from Koloa to Lawai Gulch	1,400.00
Hanalei:	
Road and Bridge, Kawa.....	1,500.00
Regrading Road from Kealakaiole to Kalihiwai .. . . . . .	3,000.00
Repairs to Bridge at Waikoko....	1,500.00
Kawaihau:	
Roads and Bridges, General.....	3,325.00

## ROADS AND BRIDGES, NIIHAU.

Roads and Bridges, General.....\$	125.00
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\$ 711,160.51

## DEPARTMENT OF PUBLIC INSTRUCTION.

Furniture and Fixtures .....	\$ 2,000.00
Industrial and Manual Training..	2,000.00
Furniture and Incidentals, Kinder- garten .. . . . . .	850.00

Book Fund .....	\$ 4,000.00
Stationery and Incidentals .....	1,500.00
School Supplies .....	2,000.00
Expenses Summer School .....	2,000.00
Repairing School Buildings .....	7,500.00
Equipments and Materials for Lace Making .....	1,500.00
Support of Lahainaluna .....	2,500.00
General Expenses, Food, Clothing, Medical Attendance, etc., Boys' Industrial School.....	3,600.00
General Expenses, Food, Clothing, Medical Attendance, etc., Girls' Industrial School .. ..	1,800.00
Material for Manual Works, Girls' Industrial School .....	800.00
Live Stock, Farming Implements, Tools, Building Materials, etc., Boys' Industrial School.....	2,000.00
Fencing, Engine, Piping and Res- ervoir, Boys' Industrial School .. ..	4,500.00
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	\$ 38,550.00

## DEPARTMENT OF PUBLIC LANDS.

Office Incidentals and Traveling Expenses .....	\$ 800.00
Printing and Advertising .....	1,000.00
Purchase of Books (Office and Land Patent Grants).....	500.00
Appraisers' Fees.....	75.00
Preliminary Roads and Trails....	1,750.00
Expenses filing Boundary Certifi- cates .. ..	125.00
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	\$ 4,250.00

**BOARD OF AGRICULTURE, HORTICULTURE AND  
FORESTRY.**

Incidentals and General Expenses of Board, including importa- tion, collection and propaga- tion and distribution of Seeds and Plants .....	\$ 2,000.00
Apparatus and Library .....	250.00
Traveling Expenses of Commis- sioners . . . . .	125.00
Incidentals, General Expenses and Maintenance of Division of Forestry, including fencing, building and tree propagation	5,000.00
Traveling Expenses, Superintend- ent of Forestry .....	250.00
Incidentals, General Expenses and Maintenance of Division of En- tomology, including buildings, disinfecting and quarantine expenses and material, impor- tation, propagation and dis- tribution of beneficial insects, and Traveling Expenses of En- tomologists. . . . .	2,500.00
Farmers' Institute .....	75.00
Agricultural and Horticultural Fairs .....	1,250.00
Assistance to Federal Experiment Station at Honolulu, to be ex- pended under the direction of the Board .....	2,500.00
	\$ 13,950.00

**SURVEY DEPARTMENT.**

Expenses of Field Parties and Office Work .....	\$ 12,500.00
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Expenses of Meteorology.....	\$ 400.00	
Publishing Maps .....	75.00	
		\$ 12,975.00

### BOARD OF HEALTH.

General Expenses .....	\$ 3,750.00
Disinfectants .....	1,250.00
Segregation, Support and Treatment of Lepers .....	24,500.00
Medical Treatment of Lepers.....	10,000.00
Kalaupapa Store, Provided, however, Clothes Ration allowance be issued to Lepers Quarterly at the rate of \$16.00 per year for each person....	14,000.00
Provisions and Ration Supplies for Settlement, provided the Pai-ai Ration be 25 pounds, and the Beef Ration be 8 pounds per weekly ration .....	35,500.00
Stamped Envelopes for free use of Lepers .....	500.00
Fund for Entertainment of Lepers at Kalaupapa and Kalawao..	250.00
Freight and Transportation of Parcels and Packages to Lepers at Kalaupapa and Kalawao, or as much thereof as may be necessary for the purposes thereof..	500.00
Support of Non-leprous Male Children of Lepers .....	2,000.00
Support of Non-Leprous Female Children of Lepers .....	2,000.00
Insane Asylum.....	10,000.00
Quarantine and Fumigation Expenses .....	3,750.00
One Portable Sulphur Fumigating Plant and One Portable Steam Fumigating Plant .....	1,500.00



Horses, Harness, etc., for Fumigation Plant . . . . .	\$ 500.00
Furnishing Receiving Hospital, Dispensary and Morgue . . . . .	5,000.00
Maintenance of Receiving Hospital, Dispensary and Morgue . . . . .	2,500.00
Eleele Hospital . . . . .	450.00
Waimea Hospital . . . . .	875.00
Lihue Hospital . . . . .	900.00
Malulani Hospital . . . . .	2,000.00
Hilo Hospital . . . . .	3,000.00
Queen's Hospital . . . . .	10,000.00
Leahi Home (Incurable Hospital) . . . . .	3,000.00
Kapiolani Maternity Home . . . . .	3,000.00
*Kona Orphanage, provided, however, that a Quarterly Statement of the Expenses of the Orphanage, and the Number of Pupils therein be forwarded to the Superintendent of Public Instruction . . . . .	1,000.00
Freight and Passenger Guarantee for Passenger Steamer between Honolulu, (Oahu,) and Kaunakakai, Kamalo, Pukoo, Halawa, Wailau, Pelekunu, and Kalaupapa (Molokai), Lahaina (Maui) and Kahalepalaoa (Lanai), to be awarded after public bid or tender to the lowest bidder, provided, however, that a Passenger Steamer is used . . . . .	1,300.00
Freight on Parcels for Lepers at Settlement, from all Islands . . . . .	1,200.00
Repairing and furnishing Quarantine Hospital . . . . .	1,500.00

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\*Vetoed by the Governor and sustained.

Medicine for Territorial Dispensaries, all Districts, free distribution.....	\$	3,000.00	
Addition to Malulani Hospital Building and Equipment of same.. . . . .		20,000.00	
Increase of water supply for the Leper Settlement .....		10,000.00	
Reimbursement to Merchants to pay Inspectors .....		8,129.57	
Telephone System Leper Settlement to Pelekunu, Wailau, Halawa, Pukoo, Kamalo, Kanakakai and Kalaeokalaau Point, to be connected with the Wireless Telegraph Station on Molokai, if in operation		5,000.00	
			\$ 191,854.57

## MILITARY.

Uniforms Enlisted men, Stationery, Printing and Advertising, Incidentals and Transportation, Repairs, etc.....	\$	1,250.00	
Ordnance Property, Supplies and Repair .....		500.00	
			\$ 1,750.00

## BAND.

Incidentals etc., of Band. ....	\$	600.00	\$ 600.00
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## PUBLIC CHARITIES.

Associated Charities for Running Expenses .. . . . .	\$	625.00	\$ 625.00
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## AUDITING DEPARTMENT.

Incidentals and Traveling Expenses .. . . . .	\$	1,000.00	\$ 1,000.00
			\$ 1,204,791.87

**SECTION 2.** In the construction of all new roads or bridges and in the expenditures of all specific appropriations for the repairing of the roads and bridges, it shall first be necessary that the Road Boards of the several Districts in which such new work is contemplated shall approve of the same, and all such work shall be under the supervision of the Road Board of the District in which such new work is being carried on, and the final acceptance of all such work by the Superintendent of Public Works, or his successors in office, shall be on the certificate from such Road Board that the same has been done in a good and workmanlike manner and as provided by the contract and specifications.

**SECTION 3.** All public works begun under the appropriations remaining unfinished on January 1st, 1904, shall be carried to completion by the Board of Public Institutions or Superintendent of Public Works, and all appropriations for same shall continue available until completion of contracts. All vouchers after January 1st, 1904, to be approved by the Board of Supervisors of the several Counties.

**SECTION 4.** The Auditor shall not draw a warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditure of any money from the Treasury to be hereafter accounted for to the Legislature by an Indemnity Bill, is hereby expressly prohibited.

**SECTION 5.** Any public official who shall falsely certify or approve for payment any bill or voucher against any item of this Act shall be deemed guilty of a misdemeanor for which the offender shall, on conviction thereof, be fined not less than Fifty Dollars nor more than Five Hundred Dollars.

**SECTION 6.** Every contract for constructing or repairing public works, and for furnishing material, provisions and other supplies, amounting to Five Hundred (\$500.00) Dollars, shall be awarded to the lowest bidder, only upon public advertisement for tenders; providing that the lowest bidder shall file a good and sufficient bond, and shall tender the same with his bid; and no public work, material or supplies shall be divided or parcelled out for the purpose of evading the provisions of this Section.

SECTION 7. The Territorial Board of Public Institutions or Superintendent of Public Works is hereby authorized to draw on the Treasury for all appropriations in this Act contained, providing for the expenses relative to the support, maintenance and management of harbors, wharves, pilots, towage, the Insane Asylum and the Executive and Judiciary Buildings, and the property used in connection therewith.

SECTION 8. This Act shall take effect and become law as of the first day of July, A. D. 1903.

Approved this 1st day of July, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 11.**

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE DEPARTMENTAL USE OF THE TERRITORY TO PAY THE UNPAID BILLS UP TO THE FIRST DAY OF JULY, A. D. 1903.

*Be it Enacted by the Legislature of the Territory of Hawaii.*

SECTION 1. The following sums of money, amounting to One Thousand Five Hundred and Twenty-one Dollars and Twenty-five Cents (\$1,521.25), are hereby appropriated to be paid out of all moneys in the Treasury received from all the current receipts of the several revenues of the Territory of Hawaii to pay the Unpaid Bills up to the First day of July, A. D. 1903:

DEPARTMENT OF PUBLIC INSTRUCTION.

General Expenses, Food, Lahainaluna Seminary:

C. Ah Nee .....	\$204.25
C. Ah Nee .....	217.00
C. Ah Nee .....	200.00

## DEPARTMENT OF PUBLIC WORKS.

American-Hawaiian Steamship Company,  
 amount due for over-charge pilotage  
 collected from Jan. 29, 1901, to Au-  
 gust 9, 1902.....\$ 900.00—\$1,521.25

SECTION 2. This Act shall take effect and become law after its approval.

Approved this 2nd day of July, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 12.**

AN ACT MAKING AN APPROPRIATION TO COMPENSATE EDMUND P. DOLE FOR SERVICES RENDERED TO THE TERRITORY OF HAWAII IN ARGUING THE CASE OF THE TERRITORY OF HAWAII VERSUS OSAKI MANKICHI BEFORE THE SUPREME COURT OF THE UNITED STATES OF AMERICA AND PREPARING THE SUPPLEMENTAL BRIEF SUBMITTED THEREON.

*Be it Enacted by the Legislature of the Territory of Hawaii.*

SECTION 1. The sum of One Thousand Dollars (\$1,000.00) is hereby appropriated to be paid out of all moneys in the Treasury received from all the current receipts of the several revenues of the Territory of Hawaii; to pay the debt contracted by the Territory of Hawaii, for services rendered to the Territory in presenting the Osaki Mankichi Case before the Supreme Court of the United States of America, and preparing the Supplemental Brief submitted thereon.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 9th day of July A. D., 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

## ACT 13.

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE DEPARTMENTAL USE OF THE TERRITORY DURING THE PERIOD COMMENCING WITH THE FIRST DAY OF JANUARY, 1904, AND ENDING WITH THE THIRTIETH DAY OF JUNE, 1905.

*Be it Enacted by the Legislature of the Territory of Hawaii.*

SECTION 1. The following sums, amounting to One Million, Four Hundred and Seventy-eight Thousand, Three Hundred and Thirty-five Dollars, (\$1,478,335.00) are hereby appropriated to be paid out of all moneys in the Treasury of the Territory received from all the current receipts of the general revenue for the period commencing with the First day of January, A. D. 1904, and ending with the Thirtieth day of June, A. D. 1905.

## CURRENT EXPENSES.

## Governor's Office:

Incidentals .....	\$	750.00	\$	750.00
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## OFFICE OF THE SECRETARY OF THE TERRITORY.

Incidentals .....	\$	3,000.00		
State Entertainments and Ceremonies .....		3,000.00		
Expenses of Election, including transportation of the Registration Boards between the Islands .....		12,500.00		
Printing and Advertising .....		5,000.00		
Exposition St. Louis (only such portion of same to be used as amounts to the unexpended balance of appropriation for this purpose for the period ending January 1st, 1904)...		30,000.00	\$	53,500.00

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## JUDICIARY DEPARTMENT.

Expenses Judiciary Department.	\$	1,500.00	
Expenses Supreme Court.....		1,125.00	
Purchase of Law Books, Supreme Court .....		750.00	
Purchase of Law Books, Circuit Courts other than First Cir- cuit, to be expended by the Supreme Court .....		3,000.00	
Compiling, Printing and Binding Hawaiian Reports.....		1,500.00	
Stationery and Incidentals, all Courts, to be expended by the Supreme Court .....		1,875.00	
Translating and Printing of Laws into Hawaiian....		8,000.00	\$ 17,750.00

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## DEPARTMENT OF THE ATTORNEY-GENERAL.

Support and Maintenance of Prisoners .....	\$	54,000.00	
Incidentals all Civil and all Cri- minal cases .....		25,000.00	\$ 79,000.00

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## TREASURY DEPARTMENT.

Interest Public Debt, Commission and Expenses .....	\$	230,000.00	
Incidentals Treasurer's Office....		6,750.00	
Expenses under Land Registra- tion Act .....		22,500.00	
Incidentals under Insurance Law .....		2,100.00	
Incidentals Board of Pharmacy..		250.00	
Advertising the advantages and resources of the Territory, and to encourage immigra- tion .....		5,000.00	\$ 266,600.00

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## DEPARTMENT OF PUBLIC WORKS.

Departmental Expenses .....	\$ 3,750.00
Repairs Royal Mausoleum .....	7,500.00
Repairs and Alteration to Judiciary Building .....	45,000.00
Landings and Buoys, Hawaii....	7,500.00
Constructing wharf at Kaunaloa Landing, Puna .. .. .	1,500.00
Landings and Buoys, South Hilo.	2,250.00
Widening wharf and Improving Harbor, Hookena, South Kona .....	2,600.00
Landings and Buoys, Maui.....	2,250.00
Landings and Buoys, Molokai....	500.00
Derrick Landing at Pelekunu....	1,500.00
Freight Cable, Wailau Landing..	2,000.00
Freight Cable, Halawa.....	3,000.00
Landings and Buoys, Kauai....	1,500.00
Repairs to wharves, general....	150,000.00
Completing wharf at Lahaina...	15,000.00
Landing and Buoy, Hanalei.....	3,000.00
Dredging Honolulu Harbor.....	75,000.00
Landings and Buoys, general....	11,250.00
Expenses Pilot Boats, including boat for Hilo .....	1,575.00
Subsidy Oahu Railway and Land Co .....	27,825.00
Honolulu Park Commission (Superintendent of Public Works to be a member) .....	18,000.00
Rent, Waiakamilo Camp.....	1,350.00
Repairing, Painting and Whitewashing the Government Buildings at Kalihi Detention Camp .....	2,000.00
Fencing and Grading Government Lots .....	7,500.00
Quarantine Diseased Animals...	1,500.00



Expenses Veterinary Surgeon other than Honolulu .....	\$ 1,950.00	
Care of Government Cemeteries.	3,000.00	
Rent of Land for Kerosene Ware- house .....	900.00	
Expenses, Improving, Fencing, Grading, etc., Hilo Park....	3,000.00	
Public Parks, Maui.....	3,000.00	\$ 406,700.00

## PUBLIC GROUNDS.

Improving Thomas Square .....	\$ 1,875.00	
Expenses of Public Grounds, Tools, etc .....	360.00	
Public Grounds, general .....	1,350.00	
Improvements, Aala Park.....	1,875.00	\$ 5,460.00

## DEPARTMENT OF PUBLIC INSTRUCTION.

Furniture and Fixtures.....	\$ 6,000.00
Industrial and Manual Training.	6,000.00
Book Fund .....	12,000.00
Stationery and Incidentals ....	4,500.00
School Supplies .....	6,000.00
Expenses Summer School .....	3,000.00
Repairing School Buildings ....	22,500.00
Equipment and rent of room for Lace making, Reform School.	750.00
Equipment and rent of room for Lace making in town.....	750.00
Support of Lahainaluna .....	12,000.00
General Expenses, Food, Cloth- ing, Medical Attendance, etc., Boys' Industrial School.....	10,480.00
General Expenses, Food, Cloth- ing, Medical Attendance, etc., Girls' Industrial School....	5,400.00
Material for Manual Works Girls' Industrial School .....	900.00

Live Stock, Farming Implements, Tools, Building Materials, etc., Boys' Industrial School.	\$ 1,920.00	
Fencing Boys' Industrial School.	1,875.00	
Kindergarten Instruction and Maintenance . . . . .	2,475.00	
Engineer for Superintendence of Instruction at Waialea . . . . .	450.00	
Furnishing homes to worthy pu- pils attending Normal School under the control of the Board of Education . . . . .	5,000.00	\$ 102,000.00

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#### DEPARTMENT OF PUBLIC LANDS.

Office Incidentals and Travelling Expenses . . . . .	\$ 2,400.00	
Printing and Advertising . . . . .	3,000.00	
Purchase of Books (Office and Land Patent Grants) . . . . .	375.00	
Appraiser's Fees . . . . .	225.00	
Preliminary Roads and Trails . . . . .	5,250.00	
Expenses Filing Boundary Cer- tificates . . . . .	375.00	
Survey work for classification of Public Lands . . . . .	2,500.00	\$ 14,125.00

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#### BOARD OF AGRICULTURE, HORTICULTURE AND FOR- ESTRY.

Incidentals and General Expenses of Board, including importa- tion, collection and distribu- tion of seeds and plants . . . . .	\$ 6,000.00
Apparatus and Library . . . . .	750.00
Travelling Expenses of Commis- sioners . . . . .	375.00

Incidentals, General Expenses and Maintenance of Division of Forestry, including build- ings, fencing and tree propa- gation . . . . .	\$	15,000.00	
Travelling Expenses, Superin- tendent of Forestry . . . . .		750.00	
Incidentals, General Expenses and Maintenance of Division of Entomology, including buildings, disinfecting and quarantine expenses and ma- terial; importation, propaga- tion and distribution of bene- ficial insects, and travelling expenses of Entomologists . .		7,500.00	
Agricultural and Horticultural Fairs . . . . .		3,500.00	
Farmers' Institute . . . . .		225.00	
Assistance to Federal Experiment Station at Honolulu . . . . .		7,500.00	\$ 41,600.00
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## SURVEY DEPARTMENT.

Expenses of Field Parties and Office work . . . . .	\$	37,500.00	
Expenses of Meteorology . . . . .		1,200.00	
Publishing Maps . . . . .		225.00	\$ 38,925.00
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## BOARD OF HEALTH.

General Expenses . . . . .	\$	11,250.00
Disinfectants and Vaccine . . . . .		3,750.00
Medical Department . . . . .		8,900.00
Segregation, Support and Treat- ment of Lepers . . . . .		73,500.00
Personal Freight on Parcels for Lepers at Settlement from all Islands . . . . .		3,750.00

Kalaupapa Store, provided, however, clothes ration allowance be issued to Lepers quarterly at the rate of \$16 per year for each person....\$	42,000.00
Provision and Ration Supplies for Settlement, provided the pai-ai ration be 25 pounds and the beef ration be 8 pounds per weekly ration....	106,500.00
Stamped envelopes for free use of Lepers, to be purchased at local Post Offices.....	750.00
Purchase of Instruments for Settlement Band, to be under control of Superintendent...	700.00
Support of non-leprous male children of Lepers .....	5,625.00
Support of non-leprous female children of Lepers .....	5,625.00
New Road from Kalawao to Waikolu . . . . .	1,250.00
Derrick at Waikolu Landing ...	750.00
Insane Asylum .....	30,000.00
Quarantine and Fumigation Expenses . . . . .	11,250.00
Extra Quarantine and Fumigation Expenses (to be used only in case of emergency)..	15,000.00
Furnishing Receiving Hospital, Dispensary and Morgue ....	3,750.00
Maintenance of Receiving Hospital, Dispensary and Morgue	7,500.00
Eleele Hospital .....	1,350.00
Waimea Hospital .....	2,625.00
Lihue Hospital .....	2,700.00
Malulani Hospital .....	6,000.00
Hilo Hospital .....	9,000.00

Queen's Hospital, providing a semi-annual financial statement of all receipts and disbursements is made to the Board of Health . . . . .	\$ 30,000.00
Leahi Home (Incurable Hospital), providing a semi-annual financial statement of all receipts and disbursements is made to the Board of Health . . . . .	11,250.00
Kapiolani Maternity Home, providing a semi-annual financial statement of all receipts and disbursements is made to the Board of Health . . . . .	7,200.00
*Kona Orphanage, providing a semi-annual financial statement of all receipts and disbursements is made to the Board of Health . . . . .	3,000.00
Freight and Passenger Guarantee for weekly common carrier service between Honolulu (Oahu) and Kaunakakai, Kamalo, Halawa, Wailau, Pelekunu, and Kalaupapa (Molokai), Lahaina (Maui), and Kahalepalaoa (Lanai), by way of Pukoo, to and return, to be awarded after public bid or tender to the lowest bidder, provided, however, that a passenger steamer is used, not to exceed . . . . .	3,900.00
Repairing and Furnishing Quarantine Hospitals . . . . .	2,250.00
Medicines for Territorial Dispensaries, all districts, free distribution . . . . .	7,500.00

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\*Vetoed by the Governor and sustained.

Increase of water supply for the Leper Settlement.....	\$ 10,000.00	\$	428,625.00
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### MILITARY.

Uniforms, Enlisted Men, Station- ery, Printing and Advertis- ing, Incidentals and Trans- portation, Repair, etc.....	\$ 3,750.00		
Ordnance Property, Supplies and Repair . . . . .	1,500.00	\$	5,250.00

### BAND.

Incidentals, etc., of Band.....	\$ 1,800.00		
Travelling Expenses of the Band to other islands, as follows:			
To East Hawaii, 2 trips..	\$2,000.00		
To West Hawaii, 2 trips.	1,500.00		
To Maui, 2 trips.....	1,800.00		
To Kauai, 2 trips.....	1,500.00		
Oahu (Country Districts)	700.00		
Leper Settlement . . . . .	500.00	\$	8,000.00
		\$	9,800.00

### PUBLIC CHARITIES.

Associated Charities for running Expenses . . . . .	\$ 3,750.00	\$	3,750.00
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### AUDITING DEPARTMENT.

Incidentals and Travelling Ex- penses . . . . .	\$ 4,500.00	\$	4,500.00
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Grand Total . . . . . \$ 1,478,335.00

SECTION 2. The Auditor shall not draw a warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditure of any money from the Treasury to be hereafter accounted for to the Legislature by Indemnity Bill, is hereby expressly prohibited.

SECTION 3. Any public official who shall falsely certify or approve for payment any bill or voucher against any item of this Act, shall be deemed guilty of a misdemeanor, for which the offender shall, on conviction thereof, be fined not less than Fifty Dollars nor more than Five Hundred Dollars. (District Magistrates to have jurisdiction in all cases under this section.)

SECTION 4. No expenditure of public money for the construction or repair of public works (except street or road work) where the amount to be expended shall amount to Five Hundred Dollars (\$500.00) or more, or for the purchase of material, provisions or other supplies for public purposes amounting in the aggregate to Five Hundred Dollars (\$500.00) or more, shall be made, except by contract after public advertisement for sealed tenders; and no public work or the purchase of material, provisions or supplies for public purposes shall be so divided or parcelled out as to defeat or evade the provisions of this Section.

SECTION 5. The Territorial Board of Public Institutions is hereby authorized to draw on the Treasury for all appropriations in this Act contained, providing for current expenses and relative to the management of all institutions and matters which are placed under its control by Chapter 64 of Act 31 of the Session Laws of 1903.

SECTION 6. All agreements or contracts made and entered into by any officer of the Territory of Hawaii by or under which public money is to be expended, shall be void and of no effect unless there shall be at the time such agreement or contract is made or entered into, a balance in the fund or appropriation already made for such purposes sufficient to cover the amount involved in such contract or agreement.

SECTION 7. This Act shall take effect and become law after its approval.

Approved this 10th day of July, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

## ACT 14.

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE  
GOVERNMENT OF THE TERRITORY TO PAY THE UNPAID BILLS  
UP TO THE FIRST DAY OF JULY, A. D. 1903.

*Be it Enacted by the Legislature of the Territory of Hawaii.*

SECTION 1. The following sums of money, amounting to Five Thousand and Twenty-nine Dollars and Twenty-eight Cents, (\$5,029.28) are hereby appropriated to be paid out of all moneys in the Treasury received from all the current receipts of the several revenues of the Territory of Hawaii to pay the Unpaid Bills of the Government of the Territory of Hawaii up to the First day of July, A. D. 1903.

## UNPAID KALAUPAPA STORE BILLS.

Allen & Robinson, June 30, 1903.....	\$	38.20
Benson, Smith & Co., June 30, 1903.....		18.75
Consolidated Soda Water Works, June 30, 1903.....		26.70
Dimond & Co., W. W., June 30, 1903.....		77.85
Davies & Co., Theo. H., Jan. 31, 1903.....	\$269.10	
Davies & Co., Theo. H., March 31, 1903.....	283.84	
Davies & Co., Theo. H., June 30, 1903.....	230.55	\$ 783.49
Grinbaum & Co., M. S., May 31, 1903.....	\$281.73	
Grinbaum & Co., M. S., June 30, 1903.....	375.57	657.30
Hall & Son, E. O., June 30, 1903.....		95.05
Hopper & Co., Jas. A., June 30, 1903.....		65.50
Hackfeld & Co., H., June 30, 1903.....		451.44
Hart & Co., June 8, 1903.....		16.80
Hyman Bros., June 22, 1903.....		32.50
Jordan, E. W., June 8, 1903.....		4.00
I. I. S. Nav. Co., June 8, 1903.....		8.40
Lewers & Cooke, June 23, 1903.....		11.14
Lewis & Co., June 30, 1903.....		227.55
Kumalae & Co., June 8, 1903.....		40.39
May & Co., Henry, June 30, 1903.....		90.08
Manufacturer's Shoe Co., June 8, 1903.....		138.00



Pacific Hardware Co., May 25, 1903.....	\$ 9.70	
Pacific Hardware Co., June 30, 1903.....	9.72	\$ 19.42
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Phillips & Co., M., June 30, 1903.....		170.00
Union Feed Co., March 31, 1903.....	\$ 62.93	
Union Feed Co., May 31, 1903.....	80.80	
Union Feed Co., June 30, 1903.....	85.92	229.65
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Wall, Nichols & Co., June 30, 1903.....		42.95
Wilder & Co., March 31, 1903.....		55.78
Wilder's S. S. Co., May 29, 1903.....	\$145.20	
June 30, 1903 .....	139.74	284.94
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#### EXPENSES SUPREME AND CIRCUIT COURTS.

Bulletin Publishing Co. ....	\$ 3.75
J. A. Thompson .....	24.50

#### EXPENSES SECOND CIRCUIT COURT.

Pay of Trial Jurors .....	\$1,138.90
Pay of Grand Jurors .....	231.25
Services Extra Bailiff, June Term, 1903.....	45.00
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	\$5,029.28

SECTION 2. This Act shall take effect upon its approval.

Approved this 11th day of July, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

#### ACT 15.

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE TERRITORIAL GOVERNMENT BAND FOR THE PERIOD BEGINNING JULY 1ST, A. D. 1903, AND ENDING DECEMBER 31ST, A. D. 1903.

*Be it Enacted by the Legislature of the Territory of Hawaii.*

SECTION 1. The following sum of money amounting to Two Thousand Dollars (\$2,000.00) is hereby appropriated out of any

moneys in the Treasury of the Territory of Hawaii, not otherwise appropriated, for the purpose of defraying the expenses of the Band when touring the other Islands.

**SECTION 2.** This Act shall take effect from and after the date of its approval.

Approved this 11th day of July, A. D. 1903.

**SANFORD B. DOLE,**  
Governor of the Territory of Hawaii.

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**ACT 16.**

**AN ACT MAKING APPROPRIATIONS FOR SALARIES AND PAY ROLLS FOR SIX MONTHS FROM JULY 1, A. D. 1903, WHICH WILL END WITH THE THIRTY-FIRST DAY OF DECEMBER, A. D. 1903.**

*Be it Enacted by the Legislature of the Territory of Hawaii.*

**SECTION. 1** The following sums, amounting to Seven Hundred and Ten Thousand, Five Hundred and Eighty-five Dollars and Fifty Cents (\$710,585.50) are hereby appropriated to be paid out of all moneys in the Treasury, received from all current receipts of the general revenue of the Territory for Six Months, commencing with the first day of July, 1903, and ending with the Thirty-first day of December, 1903.

**SALARIES AND PAY ROLLS.**

Permanent Settlements.

Queen Liliuokalani .....	\$ 3,750.00
Mrs. Emma Barnard.....	100.00
Mrs. Kamakani Simeona .....	100.00
Mrs. Mary R. Stolz .....	100.00
Mrs. Paahao .. .....	100.00

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\$ 4,150.00

OFFICE OF THE SECRETARY OF THE TERRITORY.

Salary of Chief Clerk.....\$	900.00	
Assistant Clerk .. .. .	600.00	
Stenographer .. . . . . .	600.00	
Messenger and Janitor.....	300.00	
Territorial Statistician.....	600.00	
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		\$ 3,000.00

JUDICIARY DEPARTMENT.

Salary of Clerk Judiciary Department .. . . . . . \$	1,350.00	225.
Salary of Stenographer, Judiciary Department (to be appointed by Supreme Court).....	900.00	
Salary of Supreme Court Bailiff	600.00	
Pay of Messenger and Librarian.	360.00	
Pay of Messengers, 2 at \$300,....	600.00	
Pay of Interpreters in all Courts not specially provided for....	875.00	
First Circuit.		
Salary of First Deputy Clerk, First Circuit, to be appointed by the Chief Justice.....	900.00	
Salary of Second Deputy Clerk, First Circuit, to be appointed by the Chief Justice.....	800.00	
Salary of Third Deputy Clerk, First Circuit .. . . . . .	600.00	
Salary of Fourth Deputy Clerk..	600.00	
Salary of Fifth Deputy Clerk...	600.00	
Salary of 3 Stenographers, \$1200 each, said Stenographers to be appointed by the Judge of the Court in which said Stenographer is to be employed.. . . . . .	3,600.00	

Salary of Hawaiian Interpreters. \$	1,800.00
Salary of Chinese Interpreter and Translator . . . . .	900.00
Salary of Japanese Interpreter and Translator. . . . .	900.00
Salary of Portuguese Interpreter and Translator . . . . .	750.00
Salary of Bailiffs, First Circuit, 3 at \$510, said Bailiffs to be appointed by the Judge of the Court in which said Bail- iff is to be employed. . . . .	1,530.00
Salary of District Magistrate, Honolulu, First Class. . . . .	1,500.00
Salary of Clerk and Interpreter, Honolulu District Court . . .	750.00
Pay of Assistant to Clerk, Hono- lulu District Court. . . . .	450.00
Salary of Second District Magis- trate, Honolulu, Second Class A . . . . .	750.00
Salary of Second Clerk and Inter- preter, Honolulu District Court . . . . .	450.00
Salary of District Magistrate, Ewa, Oahu, Second Class B.	600.00
Salary of District Magistrate, Koolaupoko, Fifth Class. . . .	300.00
Salary of District Magistrate, Koolauloa, Sixth Class . . . .	250.00
Salary of District Magistrate, Waialua, Fourth Class. . . .	420.00
Salary of District Magistrate, Waianae, Sixth Class . . . . .	250.00
Second Circuit—	
Salary of Clerk, Second Circuit. .	500.00
Salary of District Magistrate, Lahaina, Second Class B. . .	600.00

Salary of District Magistrate, Wailuku, Second Class . . . . .	\$ 720.00 .
Salary of District Magistrate, Makawao, Second Class B . . . . .	600.00
Salary of District Magistrate, Hana, Fourth Class . . . . .	420.00
Salary of District Magistrate, Kipahulu, Seventh Class . . . . .	200.00
Salary of District Magistrate, Honuaula, Seventh Class . . . . .	200.00
Salary of District Magistrate, Molokai, Fifth Class . . . . .	300.00
Salary of District Magistrate, Lanai, Eighth Class . . . . .	150.00
Salary of District Magistrate, Kalaupapa, Eighth Class . . . . .	150.00

Third Circuit—

Salary of Clerk, Third Circuit . . . . .	450.00
Salary of District Magistrate, N. Kohala, Third Class . . . . .	550.00
Salary of District Magistrate, S. Kohala, Sixth Class . . . . .	250.00
Salary of District Magistrate, N. Kona, Fourth Class . . . . .	420.00
Salary of District Magistrate, S. Kona, Fourth Class . . . . .	420.00
Salary of District Magistrate, E. & W. Kau, Third Class . . . . .	600.00

Fourth Circuit—

Salary of Clerk, Fourth Circuit . . . . .	750.00
Salary of Assistant Clerk, Messenger and Interpreter, Fourth Circuit . . . . .	600.00
Salary of Stenographer . . . . .	600.00

Salary of District Magistrate, S. Hilo, First Class B. ....	\$ 900.00	
Salary of Clerk and Interpreter, District Court, S. Hilo. ....	600.00	
Salary of District Magistrate, N. Hilo, Seventh Class. ....	300.00	
Salary of District Magistrate, Hamakua, Third Class. ....	600.00	
Salary of District Magistrate, Puna, Fifth Class. ....	300.00	
Fifth Circuit—		
Salary of Clerk, Fifth Circuit. . .	450.00	
Salary of District Magistrate, Lihue, Third Class. ....	550.00	
Salary of District Magistrate, Koloa, Fifth Class. ....	300.00	
Salary of District Magistrate, Waimea, Third Class. ....	550.00	
Salary of District Magistrate, Kawaihau, Sixth Class. ....	250.00	
Salary of District Magistrate, Hanalei, Sixth Class. ....	250.00	\$ 36,915.00

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#### DEPARTMENT OF THE ATTORNEY-GENERAL.

Salary of Attorney-General. . . .	\$ 2,250.00
Salary of Deputy Attorney-General. . . . .	1,500.00
Salary of Assistant to Attorney-General. . . . .	1,200.00
Salary of Clerk, Attorney-General. . . . .	900.00
Salary of Stenographer. . . . .	750.00
Salary of High Sheriff. . . . .	1,500.00
Salary of Clerk to High Sheriff. . . . .	900.00
Salary of Deputy High Sheriff. . . . .	1,200.00
Salary of Clerk to Deputy High Sheriff. . . . .	600.00

Salary of Assistant Deputy High Sheriff . . . . .	\$ . . . . .	900.00
Salary of Jailor, Oahu Prison . . . . .		1,000.00
Salary of Deputy Jailor, Oahu Prison . . . . .		750.00
Salary of Sheriff of Hawaii . . . . .		1,200.00
Salary of Sheriff of Maui . . . . .		1,125.00
Salary of Sheriff of Kauai . . . . .		1,050.00
Salary of Clerk to Sheriff of Hawaii . . . . .		750.00
Salary of Clerk to Sheriff of Maui . . . . .		600.00
Salary of Clerk to Sheriff of Kauai . . . . .		600.00
Salary of Deputy Sheriff of Hawaii . . . . .		900.00
Salary of Deputy Sheriff of N. Kohala . . . . .		600.00
Salary of Deputy Sheriff of S. Kohala . . . . .		450.00
Salary of Deputy Sheriff of Hamakua . . . . .		600.00
Salary of Deputy Sheriff of N. Hilo . . . . .		420.00
Salary of Deputy Sheriff of N. Kona . . . . .		600.00
Salary of Deputy Sheriff of S. Kona . . . . .		600.00
Salary of Deputy Sheriff of Kau . . . . .		600.00
Salary of Deputy Sheriff of Puna . . . . .		420.00

Pay of Police, Hawaii.

S. Hilo—

2 Captains at \$100 a month . . . . .	\$	1,200.00
2 Lieutenants at \$60 . . . . .		720.00
8 Police at \$50 . . . . .		2,400.00
2 Police, Oloo, at \$50 . . . . .		600.00

1 Police, Portuguese, at \$50.....\$	300.00		
1 Police, Chinese, at \$50 .....	300.00		
1 Police, Japanese, at \$50.....	300.00		
1 Police, Porto Rican, at \$50.....	300.00		
2 Station Clerks at \$60.....	720.00		
2 Mounted Police at \$90 .....	1,080.00	\$	7,920.00
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## N. Hilo—

1 Captain at \$50 .....	\$ 300.00		
3 Police Officers at \$40.....	720.00	\$	1,020.00
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## Hamakua—

1 Captain at \$60 .....	\$ 360.00		
4 Police Officers at \$45 .....	1,080.00	\$	1,440.00
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## N. Kohala—

1 Captain at \$60 .....	\$ 360.00		
4 Police Officers at \$40.....	960.00		
2 Police Officers at \$30 .....	360.00	\$	1,680.00
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## S. Kohala—

3 Police Officers at \$40.....	\$ 720.00		
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## N. Kona—

1 Captain at \$60 .....	\$ 360.00		
5 Police Officers at \$40.....	1,200.00	\$	1,560.00
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## S. Kona—

1 Captain at \$60.....	\$ 360.00		
4 Police Officers at \$40.....	960.00	\$	1,320.00
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## Kau—

1 Captain at \$60 .....	\$ 360.00		
4 Police Officers at \$40.....	960.00	\$	1,320.0
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## Puna—

1 Captain at \$50 .....	\$	300.00	
4 Police Officers at \$40 .....		960.00	\$ 1,260.00

Hawaii Police Incidentals, Tele- phones, \$1,140; Transporta- tion of Prisoners and other Incidentals, \$1,260 .....	\$	2,400.00	
Salary of Deputy Sheriff of Maui .....		750.00	
Salary of Deputy Sheriff of Makawao .....		600.00	
Salary of Deputy Sheriff of Lahaina .....		600.00	
Salary of Deputy Sheriff of Hana .....		420.00	
Salary of Deputy Sheriff of Kipahulu .....		270.00	
Salary of Deputy Sheriff of Molokai .....		450.00	

## Pay of Police, Maui.

## Wailuku—

1 Captain at \$80 per month.....	\$	480.00	
2 Lieutenants at \$60 each .....		720.00	
10 Police Officers at \$50 each....		3,000.00	
1 Officer at Kahului at \$50.....		300.00	
1 Officer at Kihei at \$50.....		300.00	
1 Officer at Honouaula at \$30.....		180.00	\$ 4,980.00

## Makawao—

1 Captain at \$50 .....	\$	300.00	
1 Officer at Huelo at \$40.....		240.00	
1 Officer at Kokomo at \$40.....		240.00	
1 Officer at Paia at \$40.....		240.00	
1 Officer at Pulehu, Kula, at \$40		240.00	
1 Officer at Kamaole, Kula, at \$40		240.00	\$ 1,500.00

## Lahaina—

1 Captain at \$75 .....	\$	450.00		
5 Police Officers at \$50 each ....		1,500.00		
1 Officer at Olowalu at \$35.....		210.00		
1 Officer at Honokohau at \$35..		210.00	\$	2,370.00
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## Lanai—

1 Police Officer at \$25.....	\$			150.00
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## Hana—

1 Captain at \$50 .....	\$	300.00		
2 Police Officers at \$35 each.....		420.00		
1 Officer at Nahiku at \$30.....		180.00		
1 Officer at Keanae at \$25.....		150.00	\$	1,050.00
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## Kipahulu—

2 Police Officers at \$35 each....	\$	420.00	\$	420.00
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## Molokai—

1 Police Officer at Kaunakakai at \$35 .....		210.00		
1 Police Officer at Kamalo at \$35		210.00		
1 Police Officer at Kaluaaha at \$35 .....		210.00		
1 Police Officer at Waialua at \$35 .....		210.00		
1 Police Officer at Halawa at \$35		210.00	\$	1,050.00
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## Settlement—

1 Captain at \$35 .....	\$	210.00		
4 Police Officers at \$25 each.....		600.00	\$	810.00
4 Special Police at \$65 each.....		1,560.00		
Salary of Deputy Sheriff of Kauai		750.00		

Salary of Deputy Sheriff of Ka-wai-hau.....\$	420.00
Salary of Deputy Sheriff of Hana-lei . . . . .	420.00
Salary of Deputy Sheriff of Koloa	420.00
Salary of Deputy Sheriff of Wai-me-a . . . . .	600.00
Pay of Police of Kauai.....	6,600.00
Salary of Deputy Sheriff of Koo-lau-poko . . . . .	450.00
Salary of Deputy Sheriff of Koo-lauloa . . . . .	450.00
Salary of Deputy Sheriff, Wai-ua-lua	600.00
Salary of Second Deputy Sheriff of Ewa, to be located at Wai-anae . . . . .	300.00
Salary of Deputy Sheriff, Ewa...	750.00

Pay of Police, Oahu.

Senior Captain at \$150.....	900.00
Lieutenant of Mounted Police at \$125 . . . . .	750.00

1st Watch—

1 Captain at \$90.....	540.00
1 Lieutenant at \$80 . . . . .	480.00
12 Officers at \$75 each.....	5,400.00
6 Mounted Officers at \$100 each..	3,600.00
2 Bicycle Officers at \$80 each....	960.00

2d Watch—

1 Captain at \$90.....	540.00
1 Lieutenant at \$80 . . . . .	480.00
12 Officers at \$75 each . . . . .	5,400.00
6 Mounted Officers at \$100 each..	3,600.00
2 Bicycle Officers at \$80 each....	960.00

## 3rd Watch—

1 Captain at \$90.....\$	540.00
1 Lieutenant at \$80 .....	480.00
12 Officers at \$75 each.....	5,400.00
6 Mounted Officers at \$100 each..	3,600.00
2 Bicycle Officers at \$80 each.....	960.00
Assistant Clerk to High Sheriff at \$100 .....	600.00
Stenographer and Typewriter at \$125 .....	750.00
2 District Court Officers at \$85 each .....	1,020.00
1 Harbor Police at \$100.....	600.00
3 Patrol Wagon Drivers at \$85...	1,530.00
3 Turnkeys Police at \$90 each...	1,620.00
3 Clerks, Receiving Station at \$100 .....	1,800.00
Hack Inspector at \$125.....	750.00
Assistant Inspector at \$100.....	600.00
Humane Officer at \$75.....	450.00
Physician, Receiving Station, at \$100 .....	600.00
2 Detectives at \$150.....	1,800.00
Japanese Interpreter at \$100....	600.00
4 Special Police at \$85.....	2,040.00
4 Special Police at \$70.....	1,680.00
2 Chinese Officers at \$60.....	720.00
2 Japanese Officers at \$60.....	720.00

## Koolauloa—

2 Officers at \$50.....	600.00
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## Koolaupoko—

2 Officers at \$50.....	600.00
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## Waiialua—

2 Officers at \$50 .....	600.00
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## Ewa—

4 Officers at \$50.....\$	1,200.00
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## Waianae—

1 Officer at \$50 .....	300.00
Clerk, Jail, at \$100 .....	600.00
3 Turnkeys at \$75.....	1,350.00
Stable Luna at \$75 .....	450.00
Workshop Luna at \$75.....	450.00
Physician, Oahu Jail, at \$100....	600.00
Physician, Station House, at \$50	300.00
Chaplain at \$25 .....	150.00
	\$

## Pay of Jailors and Guards of Prisoners.

## Hawaii.

## Puna—

1 Jailor at \$50 .....	\$ 300.00
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## S. Hilo—

1 Jailor at \$75.....	450.00
1 Jailor at \$60 .....	360.00
1 Jailor at \$60 .....	360.00
2 Guards at \$60.....	720.00

## N. Hilo—

1 Jailor at \$50.....	300.00
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## Hamakua—

1 Jailor at \$50.....	300.00
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## S. Kohala—

1 Jailor at \$45 .....	270.00
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## N. Kohala—

1 Jailor at \$50.....	300.00
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## N. Kona—

1 Jailor at \$50.....\$	300.00	
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## S. Kona—

1 Jailor at \$50.....	300.00	
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## Kau—

1 Jailor at \$50 .....	300.00	\$	4,260.00
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## Maui.

## Wailuku—

1 Jailor at \$75.....\$	450.00	
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2 Jailors at \$60 .....	720.00	
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2 Guards at \$60.....	720.00	
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## Makawao—

1 Jailor at \$50.....	300.00	
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## Hana—

1 Jailor at \$50.....	300.00	
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## Lahaina—

1 Jailor at \$60 .....	360.00	
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1 Guard at \$50 .....	300.00	
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## Kipahulu—

1 Jailor at \$40 .....	240.00	
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## Molokai—

1 Jailor at \$20 .....	120.00	
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## Leper Settlement—

1 Jailor at \$25 .....	150.00	\$	3,660.00
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## Oahu.

## Koolauloa—

1 Jailor at \$45.....	\$	270.00	
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## Koolaupoko—

1 Jailor at \$45 .....		270.00	
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## Waialua—

1 Jailor at \$45 .....		270.00	
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## Ewa—

1 Jailor at \$50 .....		300.00	
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Deputy Jailor at \$40 to be located at Waianae . . . . .		240.00	
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## Honolulu—

Captain, Guards at \$70.....		420.00	
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24 Guards at \$50 .....	7,200.00	\$	8,970.00
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## Kauai.

## Lihue—

2 Jailors, 1 at \$60 and 1 at \$50..		660.00	
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## Koloa—

1 Jailor at \$50.....		300.00	
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## Waimea—

1 Jailor at \$50 .....		300.00	
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1 Guard at \$50.....		300.00	
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## Kawaihau—

1 Jailor at \$40.....		240.00	
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## Hanalei—

1 Jailor at \$40.....	240.00	\$	2,040.00
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Pay of Lunas, 10 Officers at \$75..\$ 4,500.00

Detectives' Services Attorney

General's Department—

Hawaii .. . . . .	\$ 600.00		
Maui .. . . . .	300.00		
Oahu .. . . . .	1,200.00		
Kauai .. . . . .	300.00	\$ 2,400.00	\$ 158,845.00

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### TREASURY DEPARTMENT.

Office of the Treasurer—

Salary of Treasurer.....	\$ 2,250.00
Salary of Registrar of Public Ac- counts .. . . . .	1,500.00
Salary of Book-keeper and Deputy Registrar .. . . . .	1,200.00
Salary of License Inspector....	900.00
Salary of License Clerk.....	900.00
Salary of Assistant License and Corporation Clerk .. . . . .	600.00
Salary of Deputy Insurance Com- missioner, 3 months.....	525.00
Salary of Recording Clerk and Messenger .. . . . .	450.00
Salary of Stenographer and Typewriter .. . . . .	600.00

Tax Bureau—

Salary of Tax Assessor, Oahu....	1,500.00
Salary of Tax Assessor, Hawaii.	1,250.00
Salary of Tax Assessor, Maui..	1,150.00
Salary of Tax Assessor, Kauai..	1,000.00
Salaries and Commissions Deputy Assessors and Collectors....	45,000.00



## Bureau of Conveyances—

Salary of Registrar of Conveyances .....	\$	1,350.00	
Salary of Deputy Registrar of Conveyances .....		900.00	
5 Copyists—1 at \$90, 2 at \$75, and 2 at \$60 per month....		2,160.00	
Indexer at \$110 per month.....		660.00	
Book Clerk at \$60 .. . . . . .		360.00	
Extra Clerks, 4 at \$60 a month each .. . . . . .		1,440.00	
Salary Judge of Land Registration Court .....		1,500.00	
Salary of Registrar of Registration Court, Land Registration Act .....		900.00	
Salary of Civil Engineer, under Land Registration Act.....		1,200.00	
Salaries of 2 Clerks at \$75.....		900.00	
Salary of Stenographer, Land Registration Court .....		1,200.00	
Salary of Commissioner of Immigration and Advertising Agent .. . . . . .	900.00	\$	72,395.00

## DEPARTMENT OF PUBLIC WORKS.

Salary of Superintendent of Public Works .....	\$	2,250.00
Salary of Chief Clerk and Clerk of Market .....		1,350.00
Salary of First Assistant Clerk and Book-keeper .....		1,050.00
Salary of Second Assistant Clerk and Land Exchange, Etc...		900.00
Salary of Third Assistant Clerk and Copyist .....		750.00

Salary of Fourth Assistant Clerk and Inspector of Weights and Measures.....	\$	600.00	
Salary of Stenographer, Typewriter, Etc. ....		750.00	
Salary of Agent, Public Works, Hilo.. . . . .		300.00	
Salary of 1 Messenger.....		300.00	
Salary of Road Engineer .....		1,200.00	
Salary of Draughtsman, Transmitters, Chainmen, etc. (Office of Superintendent).....		1,500.00	
Salary of Clerk to Superintendent		750.00	
Salary of Copyist to Superintendent .. . . . .		450.00	
Salary of Stenographer to Superintendent .. . . . .		450.00	
Salary of Superintendent of Sewers .. . . . .		750.00	
Sewer Pay Roll .....		2,184.00	
Sewer Pump Pay Roll—			
Chief Engineer .....		900.00	
Second Engineer .....		750.00	
2 Firemen .. . . . .		780.00	
1 Oiler .. . . . .		270.00	\$ 2,700.00

Salary of Road Supervisor, Honolulu .. . . . .	\$	1,200.00
Pay Roll, Roads and Bridges, Honolulu.. . . . .		10,036.50
Salary of Book-keeper, Road Supervisor's Office .....		900.00

Removing Garbage and Operating Excavator.

Pay Roll—

Salary of Superintendent of Garbage and Excavating Bureau	\$	1,200.00
Salary of Clerk .....		600.00

Salary of Collector.....\$	540.00		
Salary of Stable Foreman.....	480.00		
Salary of Excavating foreman...	480.00		
Salary of Garbage foreman, Iwi- lei .. .. .	360.00		
Salary of Garbage foreman, Sher- idan Street .. .	360.00		
Salary of 5 Lunas at \$360 each..	1,800.00		
Salary of 2 Dry Earth men at \$300 .. .	600.00		
Salary of 4 Stablemen at \$300..	1,200.00		
Salary of 3 Scow Tenders at \$300	900.00		
Salary of 1 Extra Route-man....	360.00		
Salary of 1 Watchman.....	330.00		
Salary of 1 Office Boy.....	240.00		
Salary of 40 Garbage and Ex- cavating men at \$300.....	12,000.00	\$	51,820.50
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Pay Roll, Garbage Crematory..\$	1,800.00		
2 Cantoneers, Road over Nuuanu Pali, \$180 each.....	360.00		
2 Cantoneers, Schaefer's to Nu- anu Pali \$180 each.....	360.00		
Pay Roll, Waiakamilo Camp ....	840.00		
Salary of Harbor Master.....	1,500.00		
Salary of Assistant Harbor Mas- ters, 2 at \$125 each .. .	1,500.00		
Pay Roll Steam Tug, for six months, or until Garbage Crematory is installed.....	3,300.00		
Regular Pay Roll, Electric Light.			
Superintendent .. .	1,200.00		
Lineman .. .	600.00		
Extra Lineman .. .	420.00		
3 Trimmers at \$65 a month each..	1,170.00		
Dynamo-man .. .	480.00		
Assistant Dynamo-man .. .	390.00		
Station Keeper .. .	330.00	\$	4,590.00
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Pay of 2 Poundmasters, Honolulu, 1 for the Fourth District, 1 for the Fifth District, . . . . \$	400.00
Salary of Veterinary Surgeons, (1 for the Island of Hawaii)	600.00
Pay of Lighthouse Keepers . . . . .	2,667.50
Pay of Keepers of Wharves and Buoy, Lahaina . . . . .	60.00
Pay of Keepers of Wharves and Buoy, Hilo . . . . .	300.00
Pay of Gunpowder and Kerosene Oil Keeper, Hilo . . . . .	300.00
Pay of Gunpowder and Kerosene Oil Keeper, Honolulu . . . . .	900.00
Pay of Market Keeper, Honolulu	450.00
Pay of Assistant Market Keeper, Honolulu . . . . .	300.00
Pay of Market Keeper, Hilo . . . . .	300.00

## Bureau of Water Works.

Salary of Superintendent of Honolulu Water Works . . . . .	1,500.00
Salary of Clerk . . . . .	900.00
Salary of First Assistant Clerk . . . . .	600.00
Salary of Assistant Clerk . . . . .	450.00
Pay of Reservoir Keepers . . . . .	660.00
Pay of Keeper, Nuuanu Reservoir	450.00
Pay of Tappers—1 at \$540; 1 Assistant Tapper at \$450, and 2 Assistant Tappers at \$240 each . . . . .	1,470.00
Pay of Tap Inspector . . . . .	540.00
Pay of Shipping Tenders, 1 at \$75 and 1 at \$50 . . . . .	750.00
Pay of 3 Engineers at \$150 each	2,700.00

Pay Roll, Pahoia Water Pumping Station—

Pay of 1 Engineer at \$150 a month.....\$	900.00	
1 Fireman at \$65 .....	390.00	
1 Oiler at \$45 .....	270.00	\$ 1,560.00

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Pay of Firemen.....	1,350.00
Salary of Superintendent of Wai- luku and Kahului Water Works .. . . . . .	600.00
Salary of Superintendent of Hilo Water Works .....	600.00
Salary of Superintendent of Lau- pahoehoe Water Works ....	10.00
Salary of Superintendent of Lahaina Water Works .....	450.00
Salary of Superintendent of Koloa Water Works.....	12.50
Public Grounds—	
Pay roll of Government Build- ings.. . . . . .	1,800.00
Pay roll, Aala Park .....	510.00
Pay Roll Thomas and Emma Squares, 4 men at \$40 each..	960.00
Salaries of 4 Guards for Public Buildings at \$60 each per month .. . . . . .	1,440.00
Salary of Keeper of Mausoleum and Grounds .....	450.00
Salary of Janitor and Keeper Capitol and Judiciary Grounds and Buildings.....	600.00
Salary of Assistant Janitors, Gov- ernment Buildings. ....	480.00

#### Fire Departments.

Regular Pay Roll, Honolulu Fire Department—	
Chief Engineer at \$200.....	1,200.00

Assistant Chief and Foreman at \$125.....	\$	750.00	
1 Relief Driver at \$80.....		480.00	
1 Hydrantman at \$80.....		480.00	
Secretary at \$25.....		150.00	
7 Foremen at \$35 each.....		3,570.00	
13 Drivers at \$80 each.....		6,240.00	
4 Stokers at \$65 each.....		1,560.00	
28 Hosemen at \$65 each.....		10,920.00	
2 Pipemen at \$65 each.....		780.00	
5 Watch boys at \$30 each.....		900.00	
5 Truckmen at \$60 each.....		1,800.00	
5 Engineers at \$125 each.....		3,750.00	\$ 32,580.00

Pay Roll Hilo Fire Department...\$	900.00
Pay Roll Wailuku Fire Department ..	800.00

## Pilots' Office—

Salary of 4 Pilots.....	6,600.00
Salary of Pilot, Hilo, without fees .. . . . . .	1,200.00
Salary of Pilot, Kahului, without fees.. . . . . .	1,200.00
Salary of Pilot, Mahukona.....	150.00
Pay of 8 Pilot Boys at Honolulu at \$65 .. . . . . .	3,120.00
Salary of Pilot's Watchman, Dia- mond Head .. . . . . .	450.00
Salary of Pilot's Watchman, Pilot's Office .. . . . . .	450.00

\$ 140,640.50

## DEPARTMENT OF PUBLIC INSTRUCTION.

Salary of Superintendent.....\$	2,250.00
Salary of 3 Normal Inspectors..	4,050.00
Salary of Secretary .. . . . . .	900.00
Salary of Assistant Secretary and School Agent for Honolulu..	1,050.00



Salary of Sub-Agent, 4th Land District.....	\$	300.00	
Salary of Sub-Agent, 6th Land District .. . . . . .		180.00	
Salary of Ranger, 1st Land District.. . . . . .		300.00	
Salary of Clerk, 1st Land District .. . . . . .		240.00	
Salary of Ranger, 2nd Land District .. . . . . .		180.00	
Salary of Ranger, 3rd Land District (Kau, \$120 , N. & S., Kona, \$180) .. . . . . .		300.00	
Salary of Ranger, 4th Land District .. . . . . .		180.00	
Salary of Ranger, 5th Land District .. . . . . .		180.00	
Salary of Ranger, 6th Land District .. . . . . .	120.00	\$	8,010.00

### BOARD OF AGRICULTURE, HORTICULTURE AND FORESTRY.

#### Salaries and Pay Rolls—

Pay of Superintendent of Forestry .. . . . . .	\$	1,500.00
Assistants, Rangers (to include 1 Ranger for Molokai), Employees and Laborers of Division of Forestry.....		6,000.00
Pay of Superintendent of Entomology .. . . . . .		1,500.00
Pay of Assistant Entomologists..		2,500.00
Assistants, Inspectors and Employees of Division of Entomology .. . . . . .		1,500.00
Pay of Clerk and Messenger .. . . . . .		300.00
Pay of Stenographer and Typewriter .. . . . . .		600.00



Federal Experiment Station—			
Chemist.....	\$	500.00	\$ 14,400.00

### SURVEY DEPARTMENT.

Salary of Surveyor .....	\$	1,500.00	
Salary of Chief Assistant.....		1,250.00	
Salary of First Assistant.....		1,050.00	
Salary of Second Assistant.....		900.00	
Salary of Meteorologist .....		750.00	
Salary of Messenger .....		300.00	\$ 5,750.00

### BOARD OF HEALTH.

Salary of President and Executive Officer .....	\$	1,500.00
Salary of Chief Health Officer...		1,200.00
Salary of Secretary .....		1,000.00
Salary of Registrar General .....		900.00
Salary of Stenographer .....		600.00
Salary of Janitor and Messenger		300.00
Salary of Clerk .....		600.00
Salary of 2 Clerks at \$300 each..		600.00
Inspector of Buildings, Plumbing and House Sewers .....		1,200.00
Assistant to Inspector of Buildings, Plumbing and House Sewers .....		900.00
City Sanitary Officer and Inspector of Cemeteries .....		1,050.00
Sanitary Inspectors, Honolulu ..		7,200.00
Sanitary Inspectors, other than Honolulu .....		1,440.00
Food Commission and Analyst..		1,050.00
Milk Inspector, Honolulu .....		360.00
Poi Inspector, Honolulu .....		360.00
Meat Inspector and Veterinary..		1,050.00
Fish Inspector, Honolulu .....		420.00
Assistant Fish Inspector, Honolulu.....		300.00

Fish and Food Inspector and Assistant, Hilo.....\$	300.00
Fish and Food Inspector and Assistant, Wailuku.....	300.00
Fish and Food Inspector, Lahaina	300.00
Bacteriologist and Pathologist..	1,200.00
Morgue Attendant.....	450.00

#### Government Physicians.

Waimea, Kauai, at \$60 per month	360.00
Koloa, Kauai, at \$60 per month	360.00
Lihue, Kauai, at \$60 per month	360.00
Kealia, Kauai, at \$60 per month	360.00
Hanalei, Kauai, at \$60 per month	360.00
Honolulu, 2 City Physicians at \$100 each.....	1,200.00
Ewa, Oahu, at \$50 per month..	300.00
Waianae, Oahu, at \$50 per month	300.00
Waiialua, Oahu, at \$50 per month	300.00
Koolaupoko and Koolauloa, Oahu, at \$75 per month....	450.00
Molokai (Leeward), at \$100 per month.....	600.00
Lahaina, Maui, at \$75 per month	450.00
Wailuku, Maui, at \$100 per month	600.00
Kihei, Kula, Maui, at \$75 per month.....	450.00
Makawao, Maui, at \$75 per month	450.00
Hana, Maui, at \$100 per month	600.00
N. Kohala, Hawaii, at \$50 per month.....	300.00
S. Kohala, Hawaii, at \$125 per month.....	750.00
N. Kona, Hawaii, at \$60 per month.....	360.00
S. Kona, Hawaii, at \$60 per month.....	360.00
Hamakua, Hawaii, at \$60 per month.....	360.00

N. Hilo, Hawaii, at \$60 per month.....	\$	360.00	
Hilo, Hawaii, at \$75 per month..		450.00	
Olaa, Hawaii, at \$50 per month		300.00	
Puna, Hawaii, at \$50 per month.		300.00	
Kau, Hawaii, at \$60 per month.		360.00	\$ 11,520.00

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Segregation of Lepers, Pay Roll..	\$	16,020.00
Molokai Leper Settlement, Butcher.....		450.00
Maintenance of Hospitals.....		1,500.00
Non-Leprous Female Children of Lepers....		1,050.00
Non-Leprous Male Children of Lepers....		1,050.00

Superintendent and Assistants, Insane Asylum.

Medical Superintendent (providing that he pay for the feed for his horse)....	\$1,110.00		
2 Captains at \$75 per month each....	900.00		
1 Foreman.....	420.00		
12 Guards at \$50 per month each... ..	3,600.00		
4 Female Nurses at \$50 per month each....	1,200.00		
Taroman....	270.00		
Cook....	240.00		
Assistant Cook .....	150.00		
Laundryman.. ..	120.00		
Gardener....	90.00		
Hostler and Yardman..	90.00		
Extra Help.....	150.00	\$ 8,340.00	\$ 64,390.00

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## MILITARY.

Regimental Allowance for Companies, Drum Corps and Band Signal Corps, Ambulance and Hospital Corps...	\$	3,600.00	
Headquarters Clerk and Acting Quartermaster .. . . . . .		750.00	
Armorer.... . . . . . . . . . . .		600.00	
Janitor.... . . . . . . . . . . .		270.00	
Range Keeper..... . . . . . . . . . .	150.00	\$	5,370.00

## BAND.

Salary of 27 Bandsmen, Bandmaster and 2 Vocalists as follows:

2 Soloists at \$80 each per month.... . . . . \$	960.00	
1st Class, 5 Members at \$60 each per month	1,800.00	
2nd Class, 5 Members at \$50 each per month	1,500.00	
3rd Class, 8 Members, at \$45 each per month	2,160.00	
4th Class, 6 Members, at \$40 each per month	1,440.00	
Salary of Singers, 2 Lady Vocalists, each \$300.... . . . .	600.00	
Salary of Bandmaster..	1,410.00	\$ 10,170.00
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Emergency Pay Roll for Band..	450.00	\$ 10,620.00

## AUDITING DEPARTMENT.

Salary of Auditor..... \$	2,250.00	
Salary of Deputy Auditor.....	1,350.00	
Clerical Assistance.... . . . . . . . . . .	3,750.00	\$ 7,350.00

SECTION 2. The Auditor shall not draw a warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditure of any money from the Treasury to be thereafter accounted for to the Legislature by Indemnity Bill, is hereby expressly prohibited.

SECTION 3. No officer or other employee of the Government, holding more than one office, shall be authorized to draw more than the salary of the highest grade of the office held by him if the salary of any office held by him shall amount to one hundred dollars or more per month, and he shall be entitled to no other or further compensation.

SECTION 4. It shall be lawful for the Treasurer to continue to make payments in accordance with appropriations authorized by this Act until the Thirty-First Day of December, 1903; Provided, that the Auditor shall not draw a warrant for any sum on account of any bill for salaries and pay rolls in this Act in excess of the due proportion of the amount appropriated for such item for the time elapsed.

SECTION 5. This Act shall take effect and become law after its approval.

Approved this 11th day of July, A. D. 1903.

SANFORD B. DOLE,

Governor of the Territory of Hawaii.

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**ACT 17.**

AN ACT APPROPRIATING SALARIES AND PAY OF EMPLOYEES OF THE TERRITORY FOR THE PERIOD BEGINNING JANUARY 1ST, 1904, AND ENDING JUNE 30TH, 1905.

*Be it Enacted by the Legislature of the Territory of Hawaii.*

SECTION 1. The following sums, amounting to One Million, One Hundred and Five Thousand, Six Hundred and Seven Dollars (\$1,105,607.00) are hereby appropriated from the cur-

rent receipts of the Territory for the payment of salaries of officers and the pay of employees for the period beginning the 1st day of January, 1904, and ending the Thirtieth day of June, 1905.

PERMANENT SETTLEMENTS.

Queen Liliuokalani .....	\$	11,250.00		
Mrs. Emma Barnard .....		300.00		
Mrs. Kamakani Simeona .....		300.00		
Mrs. Mary R. Stolz .....		300.00		
Mrs. Paahao .....		300.00	\$	12,450.00

OFFICE OF THE SECRETARY OF THE TERRITORY.

Salary of Chief Clerk .....	\$	2,700.00		
Stenographer .....		1,800.00		
Assistant Clerk .....		1,800.00		
Salary of Statistician .....		1,800.00		
Messenger and Janitor .....		900.00	\$	9,000.00

JUDICIARY DEPARTMENT.

Salary of Clerk, Judiciary Department .....	\$	4,050.00		
Salary of Stenographer, Judiciary Department (to be appointed by Supreme Court).....		2,700.00		
Pay of Messenger and Librarian .....		1,080.00		
Pay of Messengers, 2 at \$900, for Judiciary Building.....		1,800.00		
Salary Supreme Court Bailiff, to be appointed by Chief Justice .....		1,800.00	\$	11,430.00

DEPARTMENT OF THE ATTORNEY-GENERAL.

Salary of Attorney-General... ..	\$	6,750.00		
Salary of Deputy Attorney-General.... ..		4,500.00		
Salary of Assistant to Attorney-General.... ..		3,600.00		
Salary of Clerk to Attorney-Gen-				

eral.....	.....\$	2,700.00		
Salary of Stenographer.....		2,250.00		
Salary of Jailor, Oahu Prison...\$		3,000.00		
Salary of Deputy Jailor, Oahu Prison.....		2,250.00		
Pay of Jailors and Guards of Prisoners.....		26,730.00		
Pay of Lunas.....		1,000.00		
Territorial Detectives' Services—				
Oahu.....	.....\$	4,200.00		
Hawaii.....		2,100.00		
Maui.....		1,050.00		
Kauai.....		1,050.00	\$ 8,400.00	\$ 61,180.00

### TREASURY DEPARTMENT.

Office of Treasurer—				
Salary of Treasurer.....	.....\$	6,750.00		
Salary of Registrar of Public Accounts.....		4,500.00		
Salary of Deputy Registrar of Public Accounts and Book- keeper.....		3,600.00		
Salary of Corporation Clerk.....		1,800.00		
Salary of Stenographer and Type- writer.....		1,350.00		
Salary of Recording Clerk and Messenger.....		1,350.00		
Salary of Judge of Land Registra- tion Court.....		4,500.00		
Salary of Registrar of Land Reg- istration Court.....		2,700.00		
Salary of Civil Engineer, Land Registration Court.....		3,600.00		
Salaries of 2 Clerks at \$75.....		2,700.00		
Salary of Stenographer, Land Registration Court.....		3,600.00		
Salary for Deputy Insurance Com- missioner.....		3,600.00		

Salary of Commissioner of Immigration and Advertising Agent.....	\$	2,700.00	\$	42,300.00
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## DEPARTMENT OF PUBLIC WORKS.

Salary of Superintendent of Public Works.....	\$	6,750.00		
Salary of Assistant Superintendent and Supervising Engineer		4,500.00		
Salary of Clerk and Bookkeeper..		3,600.00		
Salary of Stenographer and Typewriter.....		2,250.00		
Salary of Messenger .....		900.00		
Pay Roll, Waiakamilo Camp....		2,520.00		
Salary of Harbor Master.....		4,500.00		
Salary of Assistant Harbor Masters, 2 at \$125 each....		4,500.00		
Pay of Keepers of Wharves and Buoys, Lahaina.....		180.00		
Pay of Keepers of Wharves and Buoys, Hilo.....		900.00		
Pay of Gunpowder and Kerosene Oil Keeper, Hilo.....		900.00		
Pay of Gunpowder and Kerosene Oil Keeper, Honolulu....		2,700.00		
Pay of Keepers of Wharves and Buoys, Kahului.....		900.00	\$	35,100.00

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## Public Grounds.

Pay Roll of Government Buildings.....	\$	5,400.00		
Pay Roll, Aala Park.....		1,530.00		
Pay Roll Thomas and Emma Squares, 4 men at \$40 each.		2,880.00		
Salaries of 4 Guards for Public Buildings, at \$60 a month each.....		4,320.00		



Salary of Keeper of Mausoleum and Grounds.....	\$	1,350.00
Salary of Janitor and Keeper of Capitol and Judiciary Grounds and Buildings.....		1,800.00
Salary of Assistant Janitors, Government Buildings... ..		1,440.00

## Pilots' Office.

Salary of 4 Pilots.....	\$	19,800.00
Salary of Pilot, Hilo, without fees.....		3,600.00
Salary of 4 Pilot Boat Boys at \$32.50.....		2,340.00
Salary of Pilot, Kahului, without fees.....		3,600.00
Salary of 4 Pilot Boat Boys, Ka- hului, at \$32.50 each....		2,340.00
Pay Roll 8 Pilot Boat Boys, Hon- olulu, at \$65 each.....		9,360.00
Salary of Pilots' Watchman, Dia- mond Head....		1,350.00
Salary of Pilots' Watchman, Pi- lots' Office.....		1,350.00
Salary of Pilot, Mahukona and Honoipu, without fees..	450.00	\$ 62,910.00

## DEPARTMENT OF PUBLIC INSTRUCTION.

Salary of Superintendent.....	\$	6,750.00
Salary of 3 Normal Inspectors...		12,150.00
Salary of Secretary.....		2,700.00
Salary of Assistant Secretary and School Agent for Honolulu..		3,150.00
Salary of Stenographer and Book Clerk.....		1,350.00
Pay Roll Support of Schools....		487,500.00

Salaries of School Agents.....	\$	3,375.00	
Salary of Teacher of Lace Making.....		1,500.00	
Kindergarten School Teachers...		2,475.00	
Salary of Superintendent Boys' Industrial School.....		2,700.00	?
Salary of 2 Teachers Boys' Industrial School.....		2,700.00	
Salary of Matron Girls' Industrial School.....		1,800.00	
Salary of Teacher Girls' Industrial School.....		1,350.00	
Pay of Guards and Assistants, Boys' Industrial School.....		3,000.00	
Pay of Guards and Assistants, Girls' Industrial School.....		1,800.00	
Pay of Mechanical Instructor, Boys' Industrial School.....		1,800.00	
			\$ 536,100.00

## DEPARTMENT OF PUBLIC LANDS.

Salary of Commissioner.....	\$	5,400.00
Salary of Secretary and Sub-Agent, 5th Land District....		3,150.00
Salary of Clerk and Bookkeeper		2,700.00
Salary of Patent Clerk.....		1,800.00
Salary of Typewriter and Copyist		900.00
Salary of Sub-Agent, 1st Land District.....		1,800.00
Salary of Sub-Agent, 2nd Land District.....		900.00
Salary of Sub-Agent, 3rd Land District.....		720.00
Salary of Sub-Agent, 4th Land District.....		900.00
Salary of Sub-Agent, 6th Land District.....		540.00

Salary of Ranger, 1st Land District.....	\$	900.00	
Salary of Clerk, 1st Land District.....		720.00	
Salary of Ranger, 2nd Land District.....		540.00	
Salary of Ranger, 3rd Land District—			
Kau.....	\$360.00		
N. and S. Kona.....	540.00	\$	900.00
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Salary of Ranger, 4th Land District.....		540.00	
Salary of Ranger, 5th Land District.....		540.00	
Salary of Ranger, 6th Land District.....		360.00	\$ 23,310.00
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#### BOARD OF AGRICULTURE, HORTICULTURE AND FORESTRY.

Salary of Superintendent of Forestry.....	\$	4,500.00
Assistants, Laborers and Rangers, Division of Forestry... ..		15,000.00
Salary of Superintendent of Entomology.....		4,500.00
Pay of Assistant Entomologists.		7,500.00
Pay of Assistants, Inspectors and Employees, Division of Entomology . . . . .		4,500.00
Pay of Clerk and Messenger.....		900.00

Federal Experiment Station.

Chemist . . . . .	1,500.00
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## Survey Department.

Salary of Surveyor.....	\$	4,500.00	
Salary of Chief Assistant .....		3,750.00	
Salary of First Assistant .....		3,150.00	
Salary of Second Assistant.....		2,700.00	
Salary of Meteorologist .....		2,250.00	
Salary of Messenger .....		900.00	\$ 55,650.00

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## BOARD OF HEALTH.

Salary of President of the Board of Health and Executive Offi- cer .....	\$	4,500.00
Salary Chief Health Officer.....		4,500.00
Salary of Secretary .....		3,600.00
Salary of Registrar General.....		2,700.00
Salary of Stenographer .....		1,800.00
Salary of Janitor and Messenger		900.00
Salary of Clerk .....		1,800.00
Salaries of 2 Clerks, \$900 each...		1,800.00
Inspector of Buildings, Plumbing and House Sewers .....		3,600.00
Assistant to Inspector of Build- ings, Plumbing and House Sewers .....		2,700.00
City Sanitary Officer and Inspec- tor of Cemeteries .....		3,150.00
Sanitary Inspectors, Honolulu..		21,600.00
Sanitary Inspectors, other than Honolulu .....		4,320.00
Food Commissioner and Analyst		3,150.00
Milk and Poi Inspector, Honolulu		1,800.00
Meat Inspector and Veterinary..		3,150.00
Two Fish Inspectors, Honolulu, at \$60 .....		2,160.00

Fish and Food Inspector and Assistant, Hilo.....	\$	900.00	
Fish and Food Inspector and Assistant, Lahaina .....		900.00	
Fish and Food Inspector and Assistant, Wailuku .....		900.00	
Bacteriologist and Pathologist...		3,600.00	
Morgue Attendant .....		1,350.00	
Government Physicians .....		30,420.00	
Segregation of Lepers Pay Roll..		47,610.00	
Maintenance of Hospitals, Pay Roll .....		4,500.00	
Non-leprous female children of Lepers, Pay Roll .....		3,150.00	
Non-leprous male children of Lepers, Pay Roll.....		3,150.00	
Superintendent and Assistants, Insane Asylum .....	25,660.00	\$	189,370.00

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## MILITARY.

Regimental Allowance for Companies, Drum Corps and Band Signal Corps, Ambulance and Hospital Corps....	\$	10,800.00	
Headquarters' Clerk and Acting Quartermaster .....		2,250.00	
Armorer .....		1,800.00	
Janitor .....		810.00	
Range Keeper .....		450.00	
Pay of Enlisted men when on duty in Camp, in the Field or on practice Marches, pursuant to the United States Militia Law .....	4,500.00	\$	20,610.00

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Salary of 27 Bandsmen .....	\$	20,067.00	
Emergency Pay Roll for Band..		1,350.00	
Salary of 2 Singers, 2 Lady Voc- alists, each \$900.....		1,800.00	
Salary of Bandmaster .....		4,230.00	\$ 27,447.00

#### AUDITING DEPARTMENT.

Auditor, Salary of .....	\$	6,750.00	
Deputy Auditor, Salary of.....		4,050.00	
Clerical Assistance .....		7,500.00	\$ 18,300.00
<b>Total . . . . .</b>			<b>\$1,105,607.00</b>

SECTION 2. The Auditor shall not draw a warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditure of any money from the Treasury to be thereafter accounted for to the Legislature by Indemnity Bill, is hereby expressly prohibited.

SECTION 3. No officer or other employee of the Government, holding more than one office, shall be authorized to draw more than the salary of the highest grade of the office held by him if the salary of any office held by him shall amount to One Hundred Dollars or more per month, and he shall be entitled to no other or further compensation.

SECTION 4. It shall be lawful for the Treasurer to continue to make payments in accordance with appropriations authorized by this Act, until the Thirtieth day of June, 1905; provided that the Auditor shall not draw a warrant for any sum on account of any bill for salaries and pay rolls in this Act in excess of the due proportions of the amount appropriated for such item for the time elapsed.

SECTION 5. It is hereby provided that the unexpended balances of all items appropriated in this Act which are affected by the transfer of any public work or institution to the Territorial Board of Public Institutions as organized in Chapter 64 of "An Act providing for the Organization and Government of

Counties and Districts, and the Management and Control of Public Works and Public Institutions therein," shall be transferred to the control of the said Territorial Board of Public Institutions on the 4th day of January, A. D. 1904.

SECTION 6. This Act shall take effect on January 1st, 1904.

Approved this 11th day of July, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

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**ACT 18.**

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE GOVERNMENT OF THE TERRITORY OF HAWAII DURING THE TWO YEARS WHICH WILL END WITH THE THIRTIETH DAY OF JUNE, A. D. 1905.

*Be it Enacted by the Legislature of the Territory of Hawaii.*

SECTION 1. The following sums of money, amounting to Two Million, Four Hundred and Sixty Thousand, Four Hundred and Seventy Dollars and Seventy-five Cents (\$2,460,470.75), are hereby appropriated out of any moneys which shall be received by the Treasury during the biennial period ending June 30, A. D. 1905, from the Loan authorized by Act 42 of the Session Laws of 1903, entitled "An Act to Provide for Public Loans."

SECTION 2.

Reorganization of wharf system,

Honolulu .. . . . . .	\$ 300,000.00
Wharf and shed, McGregor's	
Landing, Maui .. . . . . .	6,000.00
Wharf and Landing, Pukoo, Mo-	
lokai.. . . . . .	5,000.00
Lahaina Wharf .. . . . . .	20,000.00

Wharf at Kahului, including necessary land for landing and approaches thereto, not less than one acre.....	\$ 50,000.00
Dredging Honolulu Harbor and Deepening Bar .....	50,000.00
New Penitentiary, Oahu (partial completion; completion of plans to cost \$150,000 more)	10,000.00
New Jail, Oahu .....	20,000.00
New Insane Asylum, Oahu.....	75,000.00
New Dispensary, Honolulu....	8,000.00
Purchase of Lot, Electric Light Station, Nuuanu Valley.....	6,000.00
School Houses and Teachers' Cottages, Island of Oahu.....	155,400.00
School Houses and Teachers' Cottages, and Purchasing Land, Kaaawa, Koolauloa .....	2,500.00
School Houses and Teachers' Cottages, Island of Hawaii....	41,000.00
School Houses and Teachers' Cottages, Keehia, Hamakua....	3,000.00
One-Room School House, Kaumana, South Hilo.....	1,000.00
One-Room School House, New Olaa Settlement .. .....	1,000.00
One-Room School House, Puueouka, South Hilo .....	1,000.00
One-Room School House, Keaukaha, South Hilo .....	1,000.00
One-Room School House, Papaloa, North Hilo .....	1,200.00
One-Room School House, Kama-ili, Puna, Hawaii.....	1,000.00
One-Room School House, Kaau-	



huhu Homesteads, Kchala, Hawaii . . . . .	\$	1,000.00	
School Houses and Teachers' Cot- tages, Islands of Maui, Molo- lokai and Lanai . . . . .		85,000.00	
School Houses and Teachers' Cot- tages, Island of Kauai . . . . .		27,000.00	
School Houses and Teachers' Cot- tages, Huleia Valley, Kauai.		3,500.00	
Fire-proof Building for the Pres- ervation of the Government Archives . . . . .		75,000.00	
Fire-proof Laboratory, Library and Office Building for Fed- eral Experiment Station . . . . .		3,000.00	
Residence for Chemist, Federal Experiment Station . . . . .		1,500.00	
Armory, Honolulu . . . . .	\$	30,000.00	
Armory, Wailuku . . . . .		5,000.00	
Armory, Hilo . . . . .		5,000.00	40,000.00
Wharf at Kawaihae and Ap- proach thereto . . . . .		3,500.00	\$ 997,600.00

## SECTION 3.

COUNTY OF EAST HAWAII OR DISTRICTS OF HAMA-  
KUA, NORTH HILO, SOUTH HILO AND PUNA.

## Puna—

Road from Halepuaa to Kania- hiku . . . . .	\$	6,000.00
Road from Kahaualea to Kaola		10,000.00
Road 11 $\frac{1}{2}$ M. to 15 $\frac{3}{4}$ M. Road . . . . .		7,500.00
Extending 14 $\frac{1}{2}$ M. through Lands recently opened for settle- ment . . . . .		3,500.00

Road between 21½ and 22 M., Volcano Road....	\$ 8,000.00	
Extending Peck's Road.....	2,500.00	
Extending and Widening 18¾ Road ..	2,000.00	
New Jail and Court House, Kapoho..	2,000.00	
New Jail and Keeper's Room, Pahoa..	800.00	\$ 42,300.00

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## Hamakua—

Relocating and constructing 4 miles of road between Ookala and Kukaiau.....	\$ 15,000.00	
Relocating and constructing Main road, Paauilo .....	10,000.00	
Relocating and constructing Main road, Paauhau Plantation..	10,000.00	
New Road, Pale o Kaluahine to Pu aahuku, Waipio .....	42,000.00	
New Road, Paauilo to Pohakea Lots ..	2,000.00	
New Road Kaala Homesteads..	4,000.00	
New road, Paauilo to Pohakea Homestead Roads .....	8,000.00	\$ 91,000.00

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## South Hilo—

New 20 foot Culvert at Kumu-nuiiaike ..	\$ 2,000.00
Retaining Wall, Wailoa River..	2,700.00
New 8 foot Culvert at Puepaku	1,200.00
New Bridge at Kaieie .....	2,000.00
New Bridge at Aleamai .....	2,800.00
New Culvert, Makea Gulch.....	3,500.00

New Bridge at Waiaama . . . . .	\$	2,500.00	
Kaumana Homestead Roads, including McFarlane Road . . . . .		10,000.00	
Richardson Street . . . . .		3,000.00	
Extending Keaukaha Road . . . . .		5,000.00	
New Jail . . . . .		16,000.00	
New County Building and Furnishings, Hilo, Hawaii . . . . .		20,000.00	
Sewerage System . . . . .		10,000.00	\$ 80,700.00
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## North Hilo—

New Roads, Waikaumalo and Upper Maulua . . . . .		8,000.00	\$ 8,000.00
		<hr/>	

## RECAPITULATION.

Puna . . . . .	\$	42,300.00
Hamakua . . . . .		91,000.00
South Hilo . . . . .		80,700.00
North Hilo . . . . .		8,000.00
		<hr/>
	\$	222,000.00

## SECTION 4.

COUNTY OF WEST HAWAII OR DISTRICTS OF NORTH KOHALA, SOUTH KOHALA, NORTH KONA, SOUTH KONA, EAST KAU AND WEST KAU.

New County Building and Furnishings, Kailua, Kona, Hawaii . . . . .	\$	15,000.00
Court House and Jail East Kau		1,500.00
Court House, Jail, Jailor's House and Water Tank at Hookena, and Kauhako, Upper Government Road . . . . .		3,000.00

Jailor's House, Kohala.....	\$	400.00	
Water Supply to Waimea Village, Hawaii.. . . . .		10,000.00	
New road from Mahukona to join Kohala-Waimea road at Puu- hue.. . . . .		3,000.00	
New road connecting Honaunau road with Main road.....		3,000.00	
New road from Kailua to join Keauhou road at Kahaluu..		10,000.00	
Homestead road, Kaauhuhu, Ko- hala.. . . . .		1,000.00	
Extension of Hawi road through Kaauhuhu Homesteads to Waimea road .. . . . .		1,000.00	
Homestead road, Kolo to Kukui- opae .. . . . .		2,000.00	
Extension of Main Government road from Kalahiki to Hono- kua.. . . . .		4,000.00	
Beach road from Hookena to Kealia .. . . . .		300.00	
Bridge, Kona Approach to Pa- hala Plantation .. . . . .		1,000.00	
Road from Pahala to Volcano House, or so much thereof as may be necessary to com- plete contract .. . . . .		25,000.00	
Road from Kawaihae to Puuhue	5,094.88	\$	85,294.88

## SECTION 5.

COUNTY OF MAUI OR ISLANDS OF MAUI, MOLOKAI,  
LANAI AND KAHoolaWE.

New County Building and Fur- nishings, Wailuku, Maui....	\$	35,000.00
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Jail, Wailuku . . . . .	\$ 5,000.00
Fire Station, Wailuku . . . . .	3,000.00
Road, Upper Nahiku . . . . .	2,500.00
Relocating and constructing Trail and road, Kipahulu to Kahikinui . . . . .	5,000.00
Road Nahiku to Kailua . . . . .	40,000.00
Puaaluu to Muolea . . . . .	10,000.00
Completion Kula Homestead road . . . . .	4,000.00
Relocating and constructing new road from Peahi to Kailua, Hamakualoa, Maui . . . . .	13,000.00
Trail to summit Haleakala . . . . .	5,000.00
Bridge across Maliko Gulch at Kaluanui . . . . .	2,000.00
Bridge across Halawa Gulch . . . . .	1,000.00
Bridge, Puuhele to Kihei . . . . .	2,000.00
Road, Puuhele to Kihei . . . . .	4,000.00
New Bridges, Waikapu to Maa- laea . . . . .	3,000.00
Relocating and reconstructing road and bridges, Wailuku to Iao . . . . .	10,000.00
Parapet Walls, Mountain road, Maalaea to Ukumehame . . . . .	3,000.00
Bridges, Lahaina road . . . . .	2,000.00
Reconstructing road, Honolulu to Honokohau . . . . .	7,000.00
Relocating and reconstructing road, Honokohau to Waihee Completion road, Puuohoku to Halawa . . . . .	10,000.00
Extension Market Street to Kalua, Wailuku . . . . .	6,000.00
Extension Kaiue Street to Kalua, Wailuku . . . . .	2,000.00
Extension Kaiue Street to Kalua, Wailuku . . . . .	2,000.00



Steel or Concrete Abutments, Kaha- haluu.....\$	2,000.00
Breakwater, Waiahole and Kaa- laea.....	3,000.00
Culverts, Concrete.....	2,000.00
Concrete and Stone Bridge, Wai- kane, and Culverts at Waia- hole.....	3,000.00
District of Koolauloa—	
Roads and Bridges, Hauula Home- steads.....	5,000.00
Kaluanui Breakwater.. . . . .	2,000.00
Homestead Road, Paumalu to Pu- pukea.....	3,000.00
Bridge at Kaaawa.....	2,000.00
District of Waialua—	
Steel or Concrete Bridge at Kau- poo.....	9,000.00
Steel or Concrete Bridge, Kauko- nahua.....	4,000.00
Kaiaka Bridge.....	3,000.00
Paukauila Bridge.....	6,000.00
Extension of Kamooloa Road... .	1,500.00
District of Ewa and Waianae—	
Bridges, Approaches and Abut- ments.....	25,000.00
Road, Kipapa and Waikakalaua Gulches.....	10,000.00
Road to Lualualei Homesteads...	4,000.00
Honolulu—	
Fort Street Extension and Pur- chasing Right of Way.....	20,000.00
Hotel Street Extension and Pur- chasing Right of Way.....	5,000.00

Kukui Street Extension and Purchasing Right of Way.....	\$ 10,000.00	
Pauahi Street Extension and Purchasing Right of Way.. . .	5,000.00	
School Street Extension and Purchase of Right of Way from Liliha Street to Kamehameha IV Road, opposite Markham's Lane. . . . .	60,000.00	
Queen Street Extension and Purchasing Right of Way....	20,000.00	
Manoa new roads. . . . .	10,000.00	
Palolo new roads. . . . .	10,000.00	\$ 804,075.87

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## SECTION 7.

## COUNTY OF KAUAI OR ISLANDS OF KAUAI AND NIIHAU.

New County Building and Furnishings, Lihue, Kauai. . . .	\$ 40,000.00
Reconstructing and relocating road, Hanalei to and including Haena, with culverts. . . .	10,000.00
New Steel Bridge, Lumahai. . . .	7,000.00
New Beach Road, Kalihiwai Bay to Hanalei. . . . .	12,000.00
New Bridges, Kapaa. . . . .	4,000.00
New Steel Bridge, Lawai. . . . .	3,500.00
New Steel Bridge, Wahiawa. . . .	4,500.00
Reconstructing Approaches to Wahiawa Bridge. . . . .	1,800.00
Reconstructing Approaches to Wainiha Bridge. . . . .	2,000.00
Embankment, Waimea River. . . .	15,900.00
Culverts and Bridges, Waimea to Mana. . . . .	1,000.00



Landings and Buoys.....	\$	8,000.00	\$	109,700.00
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				\$2,397,270.75
Note.—Nine items vetoed by the Governor and sustained.....				63,200.00
				<hr/>
				\$2,460,470.75

SECTION 8. In the construction of all new roads and bridges, and in the expenditure of all specific appropriations for new roads and bridges, it shall first be necessary that the Road Boards of the several Districts in which such new work is contemplated shall approve the same; and all such work shall be under the supervision of the Road Board of the District in which such new work is being carried on, and the final acceptance of all such work shall be on the certificate from such Road Board that the same has been done in a good and workmanlike manner, and as provided by the contract and specifications.

SECTION 9. It shall be lawful for the Treasurer to continue to make payments in accordance with the appropriations authorized by this Act from any unexpended balance until the whole of the sums hereinbefore appropriated are expended as herein provided. But should any Government Official divert the excess of any item in this appropriation above cost of construction of such work, or any part thereof, to any other purpose, such official shall be guilty of embezzlement.

SECTION 10. Every contract for constructing public works, or for furnishing material therefor amounting to Five Hundred Dollars (\$500.00), or more, shall be awarded to the lowest bidder who shall furnish a sufficient bond only upon public advertisement for tenders; and no public work or requirement for material therefor shall be divided or parcelled out for the purpose of evading the provisions of this Section.

SECTION 11. When the Act to organize Counties goes into effect, the Board of Supervisors in the several Counties shall perform the duties required of Road Boards in this Act.

SECTION 12. Any public official who shall falsely certify or approve for payment any bill or voucher against any item of this Act, shall be deemed guilty of a misdemeanor, for which the offender shall, on conviction thereof, be fined not less than Fifty Dollars nor more than Five Hundred Dollars.

SECTION 13. This Act shall take effect from and after the date of its approval.

Approved this 11th day of July, A. D. 1903.

SANFORD B. DOLE,  
Governor of the Territory of Hawaii.

# GENERAL INDEX.

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